

COUNTWAY LIBRARY



HC 369X .

# QUACK REMEDIES

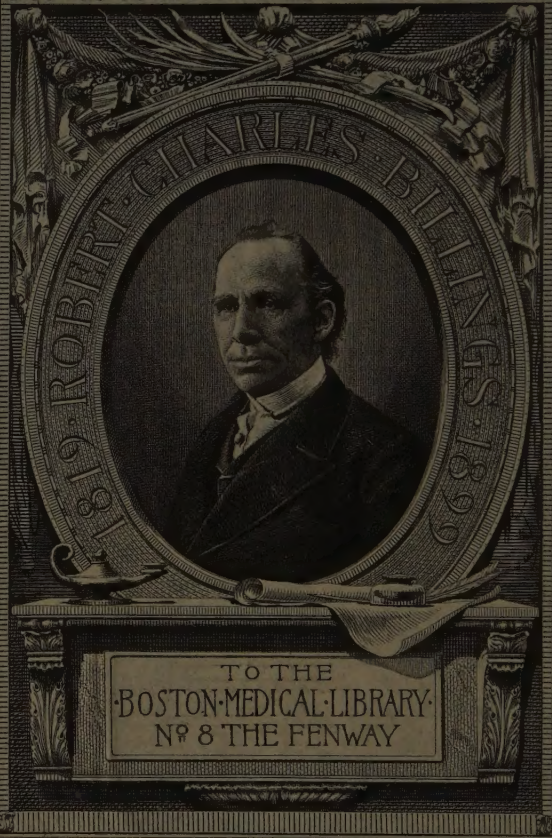
---

D. WALSH, M.D.

1/6 NET.

BAILLIERE, TINDALL & COX

FROM THE FUND BEQUEATHED BY



S.L.S. - 1903





# QUACKS, FALSE REMEDIES

## AND THE

# PUBLIC HEALTH

*e*  
**By DAVID WALSH, M.D. Edin.,**

Senior Physician, Western Skin Hospital, London, W.; President,  
Association of Medical Diplomates of Scotland, &c.

---

*Reprinted, with Notes and Additions,  
From THE MEDICAL PRESS AND CIRCULAR,  
September 29th to October 27th, 1909*

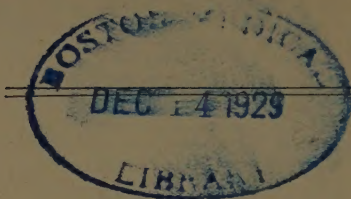
---

LONDON  
BAILLIERE, TINDALL AND COX  
8 HENRIETTA STREET, COVENT GARDEN

---

1909.





**OTHER BOOKS BY THE SAME AUTHOR.**

*25553 Bu 30p*

**RONTGEN RAYS IN MEDICAL WORK.**

Fourth Edition. London : Bailliere, Tindall and Cox.  
Price 15s. net.

**THE HAIR AND ITS DISEASES.**

A Monograph. Second Edition. London : Bailliere,  
Tindall and Cox. Price 2s. 6d. net.

**GOLDEN RULES OF SKIN PRACTICE.**

Third Edition. Bristol : John Wright and Co. Price  
1s. net.

*22. F. 274.*

## PREFACE.

---

As the Editor of a medical journal, the author has for many years had the evils of irregular medical practice and of patent medicines constantly under his notice. Of late there have been hopeful portents in the sky, which he has hailed with much joy and thankfulness, and under their inspiration has written the following collection of notes, studies, and experiences. In this work he has been most kindly and materially aided by Mr. J. K. F. Cleave, of the Inner Temple, by Dr. W. Murrell, by Mr. Henry Sewill, M.R.C.S., whose untiring efforts to secure a Royal Commission are well known, and by Dr. A. G. Bateman, whose experience in the prosecution of irregular practice is unrivalled. Of the supreme need of a Royal Commission the author is convinced, as it is hopeless to expect that the lay newspapers will inform the public of the evils of a traffic that spends huge sums in advertisement. One of the chief principles he has insisted upon in the following pages is the desirability of the use of existing legislation as far as possible. Now that the General Medical Council has definitely moved in the matter of irregular practice, we may hope for a speedy delivery of the nation from the toils of an evil monster.

D. W.

48, Welbeck Street, London, W.



**Dedicated to**

**THE MEDICAL DEFENCE UNION**

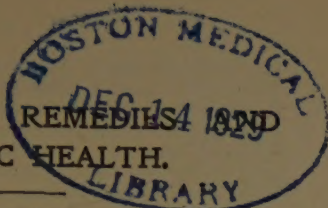
**IN RECOGNITION OF THEIR**

**LONG AND FAITHFUL LABOURS ON BEHALF OF**

**THE MEDICAL PROFESSION.**



# QUACKS, FALSE REMEDIES AND THE PUBLIC HEALTH.



RACE deterioration is one of the great problems that face the British statesman of to-day. It is the outcome of many influences that steadily sap the mental, moral, and bodily sanity of the nation. The present purpose is to discuss the influence of secret remedies upon the health of the community, with an inquiry into the state of the present law as regards quacks and quackery, and suggestions as to their future control.

## THE EXISTENCE OF THE EVIL.

In the following pages there will be no formal attempt to define the existence and extent of the damage resulting from the use of patent and proprietary medicines. The evil is notorious and has been exposed for generations past in the medical journals and elsewhere. Our mediæval forefathers were alive to the injury inflicted by it upon the public weal. In the reign of Henry VIII. scientific medicine received its first formal recognition in the shape of a charter to the Royal College of Physicians of London. That body, in return for the many privileges conferred upon it, was entrusted with absolute control of false medicines and false practice, with summary powers in London and seven miles round, which have never been repealed, for the committal to prison of offenders (in modern verbiage, "quacks" and nostrum vendors), and to seize and destroy their wares. The College has failed in its duty, but the powers remain and can be readily revived by Parliament. This point will be referred to later under "recommendations," and elsewhere.

The trade which was thus vigorously legislated against in the time of Henry VIII. has grown to an enormous size in the present day. Huge fortunes are amassed at the expense of the community by the sale of so-called remedies which are some of them inert, some of them potent, some deadly, but most of them fraudulent, inasmuch as they profess not only to cure a host of symptomatic maladies that could not possibly be thus affected by a single remedy, but also to cure the incurable. To take an instance, a nostrum is advertised to "cure" locomotor ataxy, a disease due to certain structural changes in the spinal cord. No cure for this complaint is known to medical science, and

any such remedy is barely conceivable in our present state of medical knowledge. Were such a nostrum capable of curing locomotor ataxy it would be hailed with instant acclamation by the medical profession, however doubtfully they might regard it at first. Or turn to the ointment advertised to cure cancer and all surgical diseases, and shown by the British Medical analysis to consist of coloured lard! (a) Accordingly, when either vendor advertises his nostrum as being able to cure the complaint in question he is stating what is not true, and the money that he obtains for his nostrum is obtained from the public under false pretences. Now, the State has, since the earliest times, regarded that particular offence as punishable, so that under an active police system the vendor should come within the purview of the law on that score alone. But the State has further decreed since the days of Henry VIII. that the community should be protected against such false medical practice and false drugs. That position has been ratified by Parliament again and again up to the present day, but nevertheless the traders in such nostrums are able to carry on business in remedies of a transparently false, lying and injurious nature on a scale that is simply stupendous. This is owing to the laxity of the State, of the police, of the Home Secretary, and of the General Medical Council; to the loose wording of Acts of Parliament; and to the neglect of their statutory duties by the Royal College of Physicians of London. Last, but not least, comes the agency of the newspapers and journals that share in the profits of this nefarious traffic, and hence are accessories in the offence of obtaining money under false pretences. As already stated, it is not intended to enter into a detailed examination of the extent of the evil, but illustrations will be found scattered through the following pages. Meanwhile, anyone who scans the reports of inquests, or who asks any observant medical man in a poor district for his views, or who consults the medical journals, will find no lack of evidence, grim, tragic, and ghastly as to the evils wrought by the greed of capitalist nostrum vendors upon the credulous victim who buys these worthless and often deadly wares.

Germany, which appears to have made up its mind to scotch the evil, has taken the logical step of correct definition. (b) The Australian Royal Commission Report (see below) says:—

---

(a) "Secret Remedies," p. 180.

(b) Report of the Royal Commission on Secret Drugs, Cures, and Foods to the Commonwealth of Australia. Vol. 1. 1907. P. 385.

"1,334. Definition of the term 'Secret Remedies.'

"The High Courts of Judicature of the Several States of the German Confederation have defined in extraordinarily numerous decisions the term 'Geheimmittel' ('Secret Remedies'). The most far-reaching definition out of these various judgments runs as follows:—

"'A secret remedy is a medicament in the (*a*) shape of medicine to be introduced into the body of (*b*) man or beast, and intended for the (*c*) prevention, amelioration, or removal of (*d*) diseases, bodily injuries, or maladies of any kind whose (*e*) nature, preparation, and composition are not at the (*f*) latest made known at the time of the advertisement (*g*), completely to the ordinary understanding (*f*), qualitatively and quantitatively.'

"These seven concepts (*a*, *b*, *c*, *d*, *e*, *f*, *g*) are then characterised in detail and at great length by numerous distinct decisions cited from the Superior Courts of Justice in the States, everything showing a determination to construct an impregnable position of public defence."

The Germans, it may be noted, are solicitous that men as well as beasts should be protected from the evil consequences arising from the sale of secret drugs. In the United Kingdom the solicitude appears to be on the side of the cattle. The British legislature have enacted that (Fertilisers and Feeding Stuffs Act, 1893) all packages over 56 lbs. weight must give to the purchaser a legal warranty stating the composition of the article (whether fertiliser or feeding stuff). Yet the same authority neglects to protect the King's subjects, young or old, from the secret sale of drugs that, in the opinion of the medical profession, as expressed in their special journals, not to mention various competent lay authorities, are in most cases worthless, and more or less fraudulent.

The term "secret remedy" includes any drug or mixture of drugs of which the nature is kept secret by the proprietor, but which is sold to the public for the cure of one or more maladies. This definition covers all proprietary medicines the nature of which is not published. In this way certain proprietary medicines, such as chlorodyne, aspirin, eucaine, and other valuable remedies, recognised and largely used by the medical profession, are included. In the case of such remedies in the hands of respectable firms there would probably be little hardship in asking them to attach the formula of composition to their wares. In the medical world there is a sale for specially pure preparations of quite ordinary drugs, such as oxide of zinc, preparations of bismuth or opium, and charcoal.

1

They are advertised as drugs pure and simple, and do not claim to be potent cures for this or that malady, and there is no apparent reason why the proprietor of recognised proprietary remedies should object to a similar amount of publicity. If the known simple drug finds a remunerative sale, why not the proprietary drug or mixture of drugs which reveals its composition? As a matter of fact, in the case of aspirin and many most valuable drugs, the chemical composition is published in trade circulars and medical books, and often on the labels of the containing packages.

On November 28th, 1907, on the recommendation of Dr. Langley Browne, seconded by Dr. McManus, the General Medical Council resolved "that a committee be appointed to ascertain what legal precedents exist in the Colonies and Dependencies of the Empire and in foreign countries for the prevention of medical practice by other than legally qualified persons, and to consider what steps should be taken to procure effective legislation for the same purpose in the United Kingdom of Great Britain and Ireland." This view of the Committee as to the advisability of a Royal Commission was adopted by the Council and presented to the Lord President, Privy Council.

Any legislative action which controls irregular medical practice must surely control vendors of secret remedies who profess to cure disease thereby. These medically ignorant and unqualified persons treat cases without examination, sometimes by correspondence and by answers to printed questions. Neither the vendor nor the purchaser of secret remedies troubles his head about diagnosis, which, needless to say, can be determined only after personal examination by a skilled medical man. The pith of the matter is that the unqualified vendor is paid for the wares which he sells for the avowed purpose of curing human maladies. That being so, the investigation of secret remedies must necessarily become a part of the labours of any Royal Commission appointed to inquire into the conditions of medical practice by unqualified persons. If these views be accepted the recent action of the General Medical Council becomes of real importance in relation to secret remedies.

The report of the Unqualified Practice Prevention Committee of the General Medical Council (a) shows that:

Seventy-five British Colonies and Dependencies and foreign countries forbid the practice of medicine by unqualified persons, under penalty of fine and imprison-

---

(a) Minutes of the General Medical Council. Vol. XLV. 1908. P. 422.



ment, or both. It is not a little curious that unqualified practice should be sternly repressed in many Colonies and Dependencies, to mention a few, in New Brunswick, Ceylon, Mauritius, Western Australia, Cape Colony, while it is uncontrolled at home. It is controlled by the State in Austria, France, Belgium, Italy, Greece, Switzerland, and many other countries, including some which are usually regarded as having dropped more or less behind in the world's progress, such as Spain, Portugal, Turkey, Chili, Panama, Montenegro, Nicaragua, and other Central American States. In the small island of San Domingo there is a penalty for practicing without registration, though otherwise qualified, a fact that offers a standing reproach to the British Empire, which has not adopted the obvious precaution of compulsory registration of medical men. In the desert Falkland Islands anyone wrongfully using a medical title is subject to fine and imprisonment. That is to say, a charlatan like Bridgwater, whose case will be referred to later in detail, is allowed to call himself M.D., U.S.A. (a title that does not exist) and to practise unrestrainedly in various parts of Great Britain; whereas he would have found short shrift in the small and remote Falkland Islands. The Report, in dealing with Great Britain and the existing legal provisions for the prevention of unqualified practice, fails to mention the unrepealed powers of the Royal College of Physicians of London over quacks and quackery in the metropolis, conferred by charter of Henry VIII. and confirmed by subsequent Acts up to the Medical Act of 1858, and the Medical Amendment Act of 1860.

The best evidence yet collected, perhaps, is Volume I. of the Report of the Royal Commission on Secret Drugs, Cures, and Foods, presented to the Parliament of the Commonwealth of Australia. The able and energetic Commissioner, Mr. Octavius Charles Beale, has collected an invaluable mass of facts regarding the trade in secret remedies, its effects, and its relation to legislation, with recommendations as to its control. This Report is likely to remain for some time the classical work of reference on the subject with which it deals. No candid person could even glance casually through its pages and fail to be convinced of the reality and the gravity of the evils attached to the secret medicine traffic in Australia. Quackery, however, is cosmopolitan and universal, and the Report shows that Australia is flooded with quack remedies sent from the United Kingdom, from America, and from other countries. The composition of these world-wide nostrums, their extravagant and fraudulent



claims, their grossly extortionate cost, their catchpenny advertisements, are one and the same whatever the country in which they are sold. The steel and penny-royal pills, sent out from a Midland town of England, are sold to credulous women at a high price in Melbourne and all over the world, for suggested purposes that it is impossible they could fulfil. Worse still, other pills, containing most deadly drugs (as shown by analysis) are sold in a similar fashion without anything on the wrapper to intimate that a dangerous drug is contained therein. Not all the British colonies, however, are foolish enough to permit their citizens to be deprived of their health and robbed of their money for the behoof of the patent medicine trader.

Another valuable mine of facts is to be found in the little volume, "Secret Remedies: What they Cost and What they Contain," published by the British Medical Association. It reproduces a series of articles based upon the analysis of a long list of proprietary articles, and appends to each an estimate of bare cost—that is to say, of the remedies apart from package, wrapper, labels, and so on. The disproportionate profits thus disclosed may be illustrated by a few examples taken at random. Thus the first one given is that of a catarrh cure, sold at a shilling, against an estimated cost of one-thirtieth of a farthing. Of a cure for consumption sold by an American company, with a London agency, at a price of £2 10s. for a month's treatment, it is stated that the approximate cost of the two bottles that are supplied amounts together to 2½d. A notorious blood mixture, sold at 2s. 9d. a bottle, contained ingredients valued at 1½d. A rheumatic cure consisted of 50 tablets, costing 8d., and sold at 4s. 6d., and of 40 pills valued at ½d., and sold at 1s. 1½d. An enormously advertised ointment, the claims of which have been scathingly condemned by a British judge, sold at 1s. 1½d. a box, the contents of which are valued at ½d. An internal preparation for making the hair grow, sold at 2s. 6d., was found on analysis to contain ingredients valued at 1d.

The question of the prime cost of the merchandise, however, and of the profits accruing therefrom, is quite a minor matter. The cost of the raw material not infrequently bears a small proportion to the ultimate selling price when a finished article has gone through the various stages of production and distribution. The objections to the trade in secret remedies are based on other and more serious issues, as, for instance, the non-recognition of disease by the drug taker, especially in the earliest stages of cancer, consumption, and infectious diseases. What is easier for an uneducated person than to take some pain-killer

to relieve the pain of an unrecognised cancer, instead of going to a medical man, who would recognise the disease at once and send the patient to a surgeon? Indigestion is often an early symptom of consumption, and many a consumptive patient has thrown away all chance of recovery by taking some of the much advertised and worthless cures for dyspepsia. Ulcer of the stomach, cancer of liver, stomach and bowel, appendicitis, and other serious internal complaints give rise to abdominal pain and discomfort, and are in nine cases out of ten ascribed by sufferers to "indigestion."

The facts furnished by the British Medical Association are of extreme value, inasmuch as they furnish evidence founded on the findings of analytical chemistry that cannot be disputed. They supply a basis, therefore, for testing the claims of the remedies thus analysed by the unfailing light of chemical science. In that way alone it is in many cases possible to show that the vendor is selling his wares on the strength of impossible claims. For example, Warner's Safe Cure is sold "for kidney and liver and Bright's disease and jaundice" (label). It was found to contain (a):—

Potassium nitrate, 50 gr.  
Oil of gaultheria,  $\frac{1}{2}$  minim.  
Rectified spirit, 5 fluid drachms.  
Liq. ext. of taraxacum, 10 fluid drachms  
Glycerine, 4 fluid drachms.  
Water, 8 fluid ounces.

From a medical point of view it may be asserted that the above mixture could not by any possibility cure Bright's disease, while the 10 per cent. of alcohol (approximately) contained therein would be absolutely injurious. Any person affected with chronic kidney disease who bought that medicine would therefore be purchasing not only a worthless but an injurious remedy. The Australian Royal Commission (§685) (b) gives the following formula for the same nostrum:—"Warner's Safe Kidney and Liver Cure (on sale in Australia).—In Germany each maker of patent medicines must furnish the Government with the formula for the patent he makes. This is the one furnished by Warner for 'Safe Kidney and Liver Cure.' Each bottle contains:—Ext. lycopus virginicus, 308 gr.; ext. hepatica (herb), 322 gr.; ext. gaultheria,  $7\frac{1}{2}$  gr.; potassium nitrate, 39 gr.; alcohol, 90 per cent.,  $2\frac{1}{2}$  oz.;

(a) "Secret Remedies." Brit. Med. Assoc., London, 1909, p. 73.

(b) "Report on Secret Drugs, Cures, and Foods," Government of the Commonwealth of Australia. Vol. I, p. 185.

glycerin, 10 dr.; water sufficient to make one pint.—*Formulary Druggists' Magazine.*"

From this it is evident that there is not necessarily any fixed composition in a secret remedy. Clearly it can be varied from time to time in order to suit the pocket, the whim, or the convenience of the proprietor. A suggestive statement in connection with the alcohol admittedly contained in Warner's Safe Cure is that published in the Commonwealth Report (§888), which says:—"Warner's Safe Cure, together with all the Warner remedies, is based, managed, and controlled by the New York and Kentucky Distilling Company, manufacturers of standard whiskeys which do not pretend to remedy anything but thirst."

The Australian Report gives an illustration of "some familiar Proprietary Drugs, and how they are regarded in Germany." These are taken from an official collection of the public warnings at the Local Health Office, 1905, under the title "Against Quackery and the Secret Remedy Swindle." Warner's Safe Cure is dealt with in the following sledge-hammer style (a):—

#### "WARNER'S SAFE CURE.

"102. By the circulation of a blatant prospectus, which is thrown into railway carriages for the travelling public, a certain firm—H. H. Warner and Co., in Frankfort-on-Main—advertises an alleged wonder-working remedy with the name of 'Warner's Safe Cure.' This is vaunted as a sure remedy for all diseases of the kidneys, liver, and urinary organs, jaundice, biliary fever, weakness, inability, heart disease, melancholia, malaria, backache, gout, rheumatism, convulsions, gravel, dropsy, Bright's disease, uterine disease, and the change of life. It consists of an infusion of liverwort leaves, aromatised with winter-green oil, and contains nitre, glycerine, and alcohol in slight concentration, and relatively small quantities. Simultaneously with this remedy some sugar-coated aloes pills are to be used.

"These remedies have not the beneficial effects ascribed to them in the pamphlet, which is provided with several illustrations, and we must point out that there is not a single remedy for the ailments collected in the list, where they, moreover, bear absurd titles.

"Warner's Safe Cure is prepared by two representatives of the business of Warner and Co. in Rochester, namely, William R. Kennart and Anton C. Wehmar, in Frankfort-on-Main, and is pushed, in the drug stores and privately, in an elegant packing, which, in a characteristic way, shows repeatedly a safe as trade-

---

(a) "Australian Report," Vol. I., §688, p. 187

mark. The price is far above the actual value. We warn you against buying this useless medicine."

When will British officialism denounce these and kindred remedies in similar fearless fashion?

From the variability of composition of secret medicines it follows that any given analysis, although true of the particular sample upon which it was conducted, may not apply with exactitude to a further sample. After an exposure in public it is easy enough for a proprietor to alter his formula, so that he is enabled when confronted with a published analysis in court, to deny on oath its accuracy as applied to the particular remedy he is selling at the time.

### AN AMERICAN BOOK ON QUACKS AND QUACKERY. (a)

IN the United States the question of secret remedies has been taken up with vigour. The American Medical Association recognises the good faith of some proprietary medicines. In February, 1905, a Council on Pharmacy and Chemistry was formed to investigate the subject. Numerous analyses of many secret remedies were made, and reports published dealing with claims to cure, therapeutic value, cost, composition, and other pertinent matters. These reports have been reprinted in a small octavo volume, of rather under three hundred pages. They form a valuable mass of evidence.

The American book deals with a number of nostrums not included in "Secret Remedies." It treats everything with unsparing frankness. Those who require any information as to the Viavi remedies for female troubles will find a fairly full notice in its pages. That particular method, with its various medicaments, appears to have originated in California, and thence, after the fashion of such things, to have spread to other quarters of the globe. In the United Kingdom Viavi is lectured upon to women, and advertised in some of the larger towns.

Among other works that should be consulted are Dr. S. Squire Sprigge's "Medicine and the Public," which has an excellent chapter (VI.) on "The Evils of Quackery," from which the following passage is quoted (b):—

"The licence enjoyed by irregular practitioners of medicine—by persons, that is, who possess in the legal sense of the word no licence whatever to practice—is

(a) The Propaganda for Reform in Proprietary Medicines." Reprinted from *The Journal of the American Medical Association* New York. Fifth Edition. September, 1908.

(b) "Medicine and the Public." Dr. S. Squire Sprigge. (London: Heinemann, 1905). P. 68.

absolutely wonderful. It would be ludicrous if it were not sad; medical electricians, medical hypnotists, medical botanists, and medical masseurs, on the one hand, and the votaries of 'safe' medicine, bone-setters, and the proprietors of patent remedies on the other—all are ready to treat the community for every sort of pathological condition, and all claim to be the depositaries of therapeutic secrets which have been denied to the intelligence of men who have made medicine and surgery the study of their lives, and who have stood the test of examination of their knowledge. Surely but very little thought bestowed upon this situation should enable the dullest to see that it is a highly ridiculous one, and one that reflects in no creditable manner upon public astuteness and good sense. Yet the ignorant and the product of the highest culture will alike seek the administrations of the quack, and of the two the latter appears sometimes to fall the easier victim."

Another useful book of reference is "Patent Foods and Patent Medicines," by Dr. Robert Hutchison. The "Australian Report" quotes largely from the work of Dr. William Murrell, Physician and Lecturer to the Westminster Hospital, who was one of the first to investigate the composition of patent medicines, and has given a long list of supposed active ingredients of popular "patent medicines," which will be found in his well-known book, "What to do in cases of poisoning."

(a)

The presence of such a list in a practical guide to the treatment of poisoning cases needs no further comment.

Some valuable information is also to be found in a (b) report upon Patent Medicines and Headache Powders furnished by Mr. Thomas Macfarlane, Chief Analyst of the Laboratory of the Inland Revenue Department, Ottawa, Canada, to the head of that Department.

#### SECRET DRUGS.

No age and no class of disease are uncatered for by the quack and the quack medicine vendor. Perhaps the readiest plan of furnishing readers with a general idea of the nature and extent of a few of their trade will be to give an outline sketch of their wares under various headings, together with a running comment and any other details that may be necessary for the sake of clearness. As so much good work has been already done in this direction, this part of the subject will be dealt with in a brief and condensed manner.

---

(a) *Op. cit.* Tenth Edition. London. Pp. 21-25.

(b) Australian Report, Part I, pp. 102, *et seq.*



## CHILDREN'S "SOOTHING" MEDICINES.

The practice of dosing children with teething, soothing, and cooling powders or syrups, baby's friend, and so on, is extremely common. The main drugs contained in preparations of this kind are opium and its derivatives, and calomel, both of them deadly drugs when given to infants. Thus death has been known to follow the administration of one drop of laudanum to a child 7 days old (Taylor). Some of the soothing medicines sold for children contain morphia, which is obviously more dangerous than laudanum. Other dangerous drugs, such as acetanilide, sometimes enter into these patent medicines for infants. No medical man would dream of giving acetanilide to children, nor would he give opium or its preparations except upon the rarest occasions, when he would administer it cautiously, with a full knowledge of its effects and with a full sense of responsibility. Much the same is true of calomel, which medical men nowadays rarely give to children. In many instances the teething powder sets up convulsions in babies, and leads to internal pains and gastro-enteritis. Amongst the poor it may be doubted if there is any more common cause of infantile convulsions than the mercurial teething powder. Owing to careless mixing it has been stated on good authority that some packets contain double doses of the mercurous chloride (calomel), while others have none at all. There are comparatively few teething powders on the market, but they command an enormous sale, besides which some chemists put up their own powders. According to the British Medical Association analysis, the main ingredient in Stedman's teething and in Steedman's (two e's) soothing powders is calomel. The same drug occurs in Pritchard's teething and fever powders, but in the latter is combined with another potent drug—namely, antimony oxide.

"Mrs. Winslow's Soothing Syrup," it is stated in the "Australian Report" (p. 79), on the authority of Potter (p. 358), "contains morphine, with essence of anise and syrup of tolu. After years of persistent denial, its proprietors have admitted that it contains  $\frac{1}{2}$  gr. morphine in each fluid ounce."

The same authority says:—"§291. Mrs. Winslow's 'Soothing Syrup.'—This remedy, called also "Quietness," (a) appears to be a compound resembling syrup of poppies. Its effects are those of a narcotic. Two doses of this caused the death of a child, aged 15 months, with the usual symptoms of narcotic poison-

ing (*Pharm. Journ.*, 1872, p. 618). An analysis of this syrup showed that 1 oz. of it contained nearly 1 grain of morphine, with other opium alkaloids (*Pharm. Journ.*, 1872, p. 975). In 1893 a sample was found to contain only 1/10th of a grain per fluid ounce. It is not surprising that it should prove fatal to infants in small doses."

This section may be dismissed here. The above evidence points to the existence of a danger, dark and terrible, at work amongst the children of the nation. Were there no other aspect of the trade in secret drugs, this alone would warrant the action of the Government in bringing the whole matter into the full light of publicity. The cause of death in infants and children destroyed by the administration of deadly drugs under the innocent guise of a patent medicine label or proprietary title is often never suspected. Were the formula of every such remedy affixed to the containing bottle or package, it would at least enable parents to know what they were giving their offspring, and to ask the opinion or advice of persons qualified by knowledge or experience to speak on such matters. If coroners were to ask carefully in every case of infantile death what medicines were given, a mass of exact evidence would doubtless soon be added to our present knowledge in the matter of secret remedies and infantile deaths. A medical man of large experience in poor class practice once said to the writer many years ago:—"Whenever I am called to a case of convulsions or sudden serious illness in a child, I always go to the mantel-piece for the bottle or box of powders—there is rarely any need to ask questions."

#### BLOOD MIXTURES AND PURIFIERS.

THE stock active ingredient in the majority of these so-called purifiers is iodide of potassium, a valuable drug extensively used in medical practice. Its indiscriminate use, however, is attended by certain risks, especially in persons who are unusually susceptible to its action. Thus it sometimes sets up a rash on the skin, which, if improperly treated, or if the action of the drug be continued, may lead to serious or even fatal results. Every physician of experience in skin practice knows of eruptions due to taking blood mixtures. In some instances the unhappy sufferer imagines that the medicine is "bringing out" the disease, and goes on increasing the dose. In any event, it is impossible to justify even remotely the extravagant claims of the vendors of these blood mixtures.

Thus, in a reproduction of Clarke's Blood Mixture in the "Australian Report" (p. 165), occur the specific

statements:—"Blotches, spots, pimples, blackheads, and sores of all kinds can be cured by taking Clarke's Blood Mixture, the world-famed blood purifier. This famous medicine will also cure all skin and blood diseases, such as eczema, scrofula, scurvy, ulcerated sores, etc." So far as the curative effect of iodide of potassium upon skin diseases is concerned, it may be briefly stated that its curative effect on skin maladies is extremely limited, and that the vast majority of affections of that kind are either unaffected by potassium iodide or are aggravated and made worse by it. From the appended analysis there is no other ingredient in Clarke's Blood Mixture that could conceivably exercise any therapeutic influence over the skin. Under these circumstances, any justification of the statements above quoted from the advertisement would be difficult, or altogether impossible. Indeed, in cases where the well-known "iodide rash" follows the use of a remedy shown to contain iodide of potassium, there should be little difficulty in substantiating a claim for damages on the part of the sufferer.

The composition of the active ingredients of Clarke's Blood Mixture is given by Dr. Robert Hutchison approximately as iodide of potassium (about 6 grains to the ounce) ("Australian Report," p. 190).

The British Medical Association analysis is:—

Potassium iodide, 52.5 grains.  
 Spirit of sal volatile, 10 minims.  
 Spirit of chloroform, 67 minims.  
 Simple syrup, 50 minims.  
 Burnt sugar, q.s.  
 Water to 8 fluid ounces.

"The estimated cost of the ingredients is 1½d." (The bottle is sold at 2s. 9d.)

Harvey's Blood Pills, according to the same authority (p. 45, "Secret Remedies") are made up approximately as follows:—

Quinine sulphate, 17 grains.  
 Potassium iodide, 22 grains.  
 Powdered rhubarb, 16 grains.  
 Powdered liquorice, 8 grains.  
 Ext. of sarsaparilla, 12 grains.  
 Ext. of burdock, 12 grains.  
 Ext. of taraxacum, 12 grains.

Divided into 36 pills.

The reproduction of the accompanying circular states:—

"Harvey's Blood Pills for Skin Diseases. An Unfailing Remedy for Scurvy Sores! Harvey's Blood Pills for Scrofulous Sores. A Certain Remedy for Ulcerated Legs! Harvey's Blood Pills for Sluggish Liver. The Surest Remedy for Ring-

worm! Harvey's Blood Pills for Erysipelas. The Quickest Remedy for Itch! Harvey's Blood Pills for Boils. An Effective Remedy for Eruptions! Harvey's Blood Pills for Rheumatism. The Safest Remedy for Piles.

Of this farrago of nonsense it may be stated that the ingredients shown in the analysis could, neither alone nor combined, exert any curative influence upon ringworm or itch. Any person, therefore, purchasing the pills for the cure of either complaint, and remaining uncured, would have a ground for action for failure of contract. As to the pills being an efficient remedy for eruptions, it need only be stated that the study of skin diseases embraces an immense variety of conditions that demand prolonged study and special training to grasp at all adequately. In many conditions the cure of skin diseases is tedious, and in some hopeless. Moreover, the use of two at least of the ingredients of the pills might create, and possibly aggravate and intensify certain skin eruptions.

It needs little beyond these simple statements to prove that the claims set forth in the above-quoted advertisement are preposterously false. Yet they are issued to the public under the cloak of a Government stamp, which to the ignorant purchaser is a sort of guarantee of the genuineness of the wares thus distinguished. Why should the trade in secret remedies alone be permitted to press and advertise claims that will not stand the test of ordinary commonsense examination as to their genuineness? If a man professes to cure diseases and to sell remedies for that purpose, should he not be called upon to justify his statements and forced to adhere to the terms of the contract entered into with his customer on the direct assertions of his advertisement? Lastly, what is to be said of the editor who admits such an advertisement to his columns?

Dr. Squire Sprigge, Editor of the *Lancet*, has spoken with no uncertain voice on the last mentioned point.

"A newspaper editor," he writes, "or manager may be pardoned if he thinks that the use of his columns to make a nostrum known is a legitimate branch of newspaper business (a), especially when it is remembered that if he took the opposite view the proprietor of the newspaper might be willing to hear of his resignation. But while this is true with regard to some advertisements, it is not those of others, and the disgusting advertisements of many modern quacks ought to be tolerated by no self-respecting editor, manager, or proprietor. Yet no falsehood is too shameless, no

---

(a) "Medicine and the Publi

promise too palpable a trap, to be refused currency in the advertisement columns of the best-known journals, and it is noteworthy that among the worst offenders in this respect are newspapers and magazines which enjoy with certain classes of the community a high reputation for accuracy and *bona fides*."

Munyon's Homœopathic Home Remedy Company, an American company with an office in London, sells a cure which claims to eradicate all impurities from the blood, and, amongst other things, "any form of unhealthy, blotchy, pimply, or scaly skin." The British Medical Association found a bottle to contain 200 pellets or pilules, consisting of sugar. No other medication was present. To sell sugar to cure impurities of the blood and scaly skin is a transaction which would, in any other branch of trade, be stigmatised by Anglo-Saxon terms of a simple and direct kind. Would the British Government, which permits America to dump this sort of rubbish on our shores, permit sugar to be sold for the cure of the ailments of sheep, cattle, or pigs? Any member who asked such a question in the House of Commons would become an object of ridicule. Yet sugar may be sold under the shield of a Government stamp for the cure of diseases in men, women, and children. A more absurd position it would puzzle the caustic wit of Swift or of Voltaire to devise.

A Blood Purifier sold by "Professor" O. Phelps Brown was found by the same authority to contain 15 per cent. of sugar, a good deal of mucilage, 25 per cent. of alcohol by volume, and of vegetable and other substances difficult to identify, but of little or no therapeutic value. Yet this secret remedy is advertised as "an infallible remedy for all diseases of the blood, be they constitutional, hereditary, or of recent contraction." It further states that "ulcers, tumours, scrofula bunches, fistula, piles, painful eruptions—indeed, all affections manifested upon the outer surface of the body are the consequences of diseased blood." From the medical point of view this is nonsense that is beneath contempt, but it becomes pernicious and harmful when it is advertised with the object of inducing the public to purchase a worthless nostrum. That the Government stamp should be affixed to claims of this kind is a standing disgrace to our nation.

#### CURE-ALLS.

The above heading was aptly framed by the British Medical Association to include proprietary medicines claiming to cure a wide range of maladies. Dr. Williams' Pink Pills for Pale People may be taken



as an example. The following extract from an advertisement is quoted in the Association book (p. 174) :—

**"THE DR. WILLIAMS' WAY.**

"When the muscles and nerves are tortured by poisons in the blood as the result of rheumatism, sciatica, or lumbago, the only way to a cure is to enrich and purify the blood. Dr. Williams' Pink Pills, in this way alone, have cured not only rheumatism, but anæmia, indigestion, palpitations, influenza's after-effects, eczema, sciatica, St. Vitus' dance, spinal weakness, the many forms of nervous disorders dreaded by men; also the special ailments of women."

The drug that effects these marvels is shown by the British Medical Association analysis to be "practically the ordinary iron-carbonate commonly called Blaud's pill, which ought to be freshly made." The pills are sold at 2s. 9d. per box of 30, or a penny apiece, whereas Blaud's can be bought wholesale for about 1s. or 1s. 3d. per gross, or in bulk at a much lower price.

The Pink Pills were originally made by George Taylor Fulford, a small country chemist in Ontario, Canada. The "Australian Report" (p. 199) says that Charles Fulford, nephew and Australian representative, admitted upon oath in a Melbourne court, "There is no such person as Dr. Williams." Paragraph 741 states that Fulford became a Senator of Canada, died in the odour of sanctity, received a public funeral, and left five millions of dollars." "This fortune was amassed by selling a well-known cheap and ordinary drug under a fictitious name at scores of times its actual money value by means of claims absolutely unsupportable." The Pink Pills may be dismissed with the simple addition of the Australian official comment (§740) :—"New blood can be made from foods only, and not from arsenic, potash, or sulphate or carbonate of iron. The business is plunder from first to last, mendacity, audacity, and altogether heartless exploitation of the poor and suffering, with the indispensable assistance of newspapers."

The genius of the Fulford family evolved two other patent medicines that have gained enormous publicity, namely, Zam-buk and Bile Beans.

In the Court of Session, Edinburgh, July 20th, 1906, an action was brought by the proprietors of Bile Beans to prevent a chemist from selling, under the name of "Bile Beans," any pills not supplied by the complainers.

"Lord Ardwell, in the Outer House, had refused the note, and found the respondent entitled to expenses, on

the ground that the business of the petitioners was one founded entirely upon fraud, impudence, and advertisement" ("Australian Report," p. 195, § 725).

The Lord Justice Clerk, who delivered judgment, spoke in terms perhaps as deliberately scathing as any ever used in a British Court of Law. (a) "The evidence in this case," he said, "discloses the history of a gigantic and too successful fraud. The two complainers, who ask an interdict against others, do so to protect a business which they have brought to enormous proportions by a course of lying which has been persisted in for years. The scheme they formed was to delude the public into the belief that a valuable discovery had been made of a medical remedy hitherto known only to certain savage tribes in a distant part of the world, but known to them for ages, and that the medicine had been prepared by the aid of 'the implements of modern scientific research,' and that the best laboratories and the most modern plant had been requisitioned for compounding the wonderful Australian vegetable substance. The place of the discovery, the mode of discovery, the discovery itself, the instruments of research, the laboratories, were all deliberate inventions, without any foundation in fact. The story was that a certain Charles Forde, who was declared to be a skilled scientist, had, while in Australia, noted the fact that the Aborigines were markedly free from certain bodily ailments, and that, by patient research and exhaustive investigation, he had ascertained that this immunity was obtained by the use of a natural vegetable substance whose properties for cure of such ailments was extraordinary, and that, as the result of his research, this wonderful remedy was now given to the world. All this was in every particular undiluted falsehood. There was no such person as Charles Forde; no eminent scientist had been engaged in researches; no one had gone to Australia and learned of a time-proved native cure. The truth was that the complainers had formed a scheme to palm off upon the public a medicine obtained from drug manufacturers in America as being the embodiment of the imaginary Australian eminent scientist, Charles Forde. Accordingly, having got their supplies from the American drug dealer, they proceeded to create a public demand by flooding this country and other countries with advertisements in the Press, and by placards, and leaflets, and pamphlets, in which the lying tale was repeated, often embellished with pictorial advertisements of the healthy savage, and with pictures of the imaginary scientist, duly bearded and

---

(a) "Australian Report," § 726.

begoggled, having the precious root pointed out to him by the Australian native. It was of importance in exploiting a fraud of this kind to get a catching name, and the only trace of discovery in the whole proceedings was that the complainer Fulford thought out the alliterative name of Bile Beans for Biliousness. . . . I agree with the Lord Ordinary in holding that the complainers being engaged in perpetrating a deliberate fraud upon the public in describing and selling an article as being what it is not, cannot be listened to when they apply to a Court of Justice for protection. It is their own case, as brought out in evidence, which stamps their whole business with falsity."

Zam-buk may be dismissed shortly. It is an ointment which claims to be "unequaled" in fifty or sixty widely different ailments. Amongst them are itch and ringworm, but if the composition of the ointment be that found by the analyst of the British Medical Association, it could not conceivably cure either affection. The British Medical Association publishes the following analysis (a):—

Oil of eucalyptine, 14 per cent. (approximately).

Pale resin (colophony), 20 per cent. (approximately).

Soft paraffin, 55 per cent. (approximately).

Hard paraffin, 11 per cent. (approximately).

Green colouring matter, a trace.

A vast number of secret remedies remain, but enough has been said to illustrate the main conclusions that the claims made for these preparations are in most cases extravagant, and directly opposed to medical knowledge and experience. Further facts regarding them can be found in profusion in the books which have been so frequently quoted. At the same time it may be useful to discuss briefly the outstanding features of certain groups of these secret remedies.

#### CONSUMPTION CURES.

There is no specific drug cure of consumption, a scientific fact that alone disposes of the many nostrums which are sold for the cure of that disease. Certainly none of the drugs disclosed by the various British Medical Association analyses could have any such effect. In the case of some of the emulsions sold by respectable firms under a proprietary name, some of them are undoubtedly useful in the treatment of consumption. If the proprietors were content with that statement, there could be little objection to the sale of their preparations without appended formula. When, however, they go beyond that, and claim to cure consumption by the use of their emulsion, their claim at

once becomes unsupportable, and they are selling their wares under misrepresentations that are damaging to the public. Some of the "cures" for which high prices were charged have been shown to depend on ipecacuanha, opium, glycerine, krameria, bromide of potassium, and other substances that could not by any possibility bring about any such effect. Several of them contain 20 to 25 per cent. of alcohol—that is to say, the medicine consists of a stiff dose of spirits and water, which doubtless helps the unfortunate consumptive to feel better for the time being while under its stimulating influence. In discussing this class of remedies, the "Australian Report" (p. 157, § 586) quotes the following pithy comments from the *Sydney Bulletin*, February 28th, 1907, upon a contemporary trial, in which the defendant was acquitted upon the ground that "he probably believed—at least, there was no possibility of proving that he did not believe—the statements that he issued about" the secret remedy concerned. The *Bulletin*, brushing aside all legal cobwebs, says of this:—"Only an utterly heartless wretch would delude miserable and often impoverished consumptives into spending pounds on alleged remedies unless he knew, as a matter of expert personal knowledge, that the article he sold was specific. A plea that he had never received any medical training, and so was only taking the money of the consumptives at random, should be good in itself for a long term of gaol."

It has been known that the names and addresses of persons who apply to advertisers of unqualified treatment and of secret remedies are hawked about as a valuable stock-in-trade. That fact was alluded to several times in the "Australian Report," and in one case a chemist reported his indignant rejection of the suggestion by an advertising firm that he should disclose to them the names of any of his clients whom he knew to be suffering from diabetes.

#### FEMALE COMPLAINTS.

Under pretence of providing remedies for female irregularities, all kinds of dangerous drugs are administered. There can be no doubt that an abortifacient action is suggested in many of these advertisements. Such a result is not obtainable by drugs except by chance action, and then only by the injury of the health of the unfortunate woman who takes them to such an extent that she runs a risk of death. When death follows, its cause is probably, as a rule, unsuspected. Women who apply to advertisers of this kind run the risk of subsequent blackmailing. In one case not many years ago in London, extensive blackmailing

of that kind discovered by the police. Although the more respectable newspapers have been purged of this particularly obnoxious class of advertisement, they are inserted to a disgraceful extent in smaller journals, perhaps more especially in a certain type of Sunday newspaper, and, sad to say, in the religious journals, which, for some reason or other, have always been a favourite medium for gross quackery of every description.

Whatever views the Home Office and the police may take with regard to the desirability of interference with ordinary trade in secret remedies, there can surely be little difficulty with regard to the veiled solicitation of the class of advertisement under notice. No man of the world with a fair general experience of affairs would be in a moment's doubt as to the inner meaning of an advertisement of the kind. As newspaper editors, police inspectors, and leading political administrators are necessarily men of the world, with large experience of social affairs, it follows they know the nature of such documents. What defence, then, can there be for editors who admit such matter to their columns, or for police or Home Office authorities that permit the public morality to be outraged by such publication?

#### REMEDIES FOR EPILEPSY, FITS, AND NERVOUS DISORDERS.

A flourishing trade is done in the sale of bromide of potassium for the cure of epilepsy. As a matter of fact, the drug in question does not cure that malady, nor, indeed, is any specific cure known to scientific medicine. Bromide of potassium, however, is used by medical men generally to control the malady. There is no special virtue in the solutions sold by the proprietary medicine vendors, while they charge extravagant prices—say, as much as twenty or thirty times the cost of the ingredients. In the few cases in which bromides are not used, the substituted drugs revealed by analysis are not such as would exercise any beneficial effect upon epilepsy.

#### CURES FOR INEBRIETY.

This class of cure furnishes a lucrative field to the adventurer. A favourite plan is to supply strong sedatives or narcotics, whereby one craving is substituted for another—such as acetanilide, bromide of potassium, atropine, and various alkaloids. Many persons addicted to drink can abstain for a time at will, and all improve under the abstinence which is made a condition in most drink cures. It is impossible, therefore, to accept the assertion that persons have been cured thereby. Moreover, a prolonged



period of time must elapse for the establishment of an actual "cure." In one case that came under the author's notice, a patient and his friends congratulated themselves upon the good results of a notorious American method of treatment. Their glowing thanks were no doubt carefully enrolled amongst the firm's testimonials. For all that, the unfortunate patient died a year or two later from the effects of drink.

### CANCER REMEDIES.

At the present moment the utmost resources of medical science are concentrated upon the investigation of cancer. In spite of the enormous mass of skilled labour that has been brought to bear upon this subject, the cause and the medicinal cure of cancer are alike unknown. The only hope to the sufferer lies in the early recognition of the disease by a skilled medical investigation, and its early and complete removal by the surgeon. In the face of this dispassionate statement, it is clear that secret remedies which delay medical advice and surgical operation simply deprive the unfortunate sufferer from cancer of his only chance of recovery. More than that, analysis shows the remedies thus given internally to be inert or worthless. In the case of a famous foreign quack years ago, analysis showed his electrical fluids of various colours to be water, pure and simple. When the remedy is for external application, the case is infinitely worse, for the sufferer is often put to extreme and long-continued agony by the use of caustics that cannot cure. By the use of modern methods the last days of the unfortunate sufferer from malignant disease can be relieved of a great amount of suffering, but in the hands of the quack the elements of pain and of septic poisoning, with its harrowing accompaniments, run their dire course unchecked. Yet colliers, ploughmen, herbalists, and others are permitted by law to carry on the terrible trade of "cancer-curing" without let or hindrance. Of what standard is the collective wisdom of a State that permits cruelties of this kind to be inflicted upon her weak and credulous citizens that she would not for a moment allow to be practised upon her pigs or cattle? A man who pretends to treat dogs without a veterinary qualification is instantly prosecuted and fined by the authorities, but there is nothing to prevent him making a fortune by transferring his attention to his fellow-creatures. If he has a good address and can start in a fashionable quarter of a big town, success is assured.

### OTHER CURES.

The cures for deafness cover a large field of enterprise. They are usually obtained direct from the nostrum vendor, and consist of glycerine and other ingredients that could not exercise any beneficial influence upon nerve deafness. As a rule they are sold in connection with some mechanical appliance.

Another class of injurious remedies are those sold for eye diseases. Thus, Singleton's Eye Ointment (*a*) is advertised as "an absolute specific for all eye troubles and diseases." The same authority gives its chief ingredient to be red mercuric oxide, a drug recognised and used by ophthalmic surgeons, but absolutely unfitted for a vast number of the many maladies to which the human eye is subject. In some affections of the kind instant skilled treatment is necessary in order to prevent irreparable injury to the sight, and it is painful to reflect how much injury is inflicted upon the community who resort to the indiscriminate use of advertised remedies.

Remedies for blindness form another class of heartless and injurious secret remedies. Needless to say, blindness is the result of conditions that, in the vast majority of cases, cannot be benefited by drugs, whether internally or externally administered. When an unskilled person advertises his power to cure blindness, he should surely be held legally responsible for advancing that claim. The ignorance of the facts of the case involved in so preposterous a claim furnishes in itself damning proof of his incompetence.

### KIDNEY CURES.

THE heartlessness of the nostrum vendor is nowhere more apparent than when he promises to cure chronic kidney disease. Needless to say, chronic Bright's disease is accompanied with changes in the delicate structure of the kidney that are past cure. It is here that, under skilled medical supervision, the life of a patient thus affected may be prolonged for many years in comfort. In the case of the secret remedy, however, there is no skilled supervision; the whole transaction affords an apt illustration of the blind leading the blind. The medically unskilled invalid diagnoses his own kidney disease, and buys the secret remedies of the medically unskilled nostrum vendor. As often as not he gets jalap or some other remedy which, although it will not materially shorten his days, yet cannot possibly better his kidney disease, assuming the latter to exist. The only ray of comfort to be gleaned comes from the reflection that many of the persons who buy these remedies are not really suffering from any kidney disease.

Years ago it came to the author's knowledge that a prominent member of Parliament, a titled man, since dead, was a shareholder in one of the most notorious of the kidney cure companies then and still in existence.

A much advertised internal remedy for baldness has been found to contain hæmoglobin, "the dead colouring matter of the blood of warm-blooded animals." There is not any scientific evidence to show that either hæmoglobin or any other drug can exert a specific action in promoting the growth of the hair when taken internally.

#### EXISTING METHODS OF CONTROL, DIRECT AND INDIRECT, OVER QUACKS AND QUACKERY.

It may be said at once that there is no effectual control over the evil of irregular medical practice. The Charter of Henry VIII. empowering and directing the Royal College of Physicians of London to deal summarily with false practitioners and false "poticaries" in London and seven miles round has not been properly carried out, although again and again ratified in successive Acts up to the Medical Act of 1858, which created the General Medical Council. Their penal powers, however, were exercised intermittently for centuries and in the year 1857 we find the College asserting its right in "Churchill's Medical Directory" to commit offenders to Newgate. So far as that goes, in 1909 we find the Royal College of Physicians of London, in their objection to the Charter applied for by the British Medical Association, formally asserting their rights of control over irregular medical practice. Presumably the Physicians accepted that responsibility only under authoritative legal advice. Section 40 of the Medical Act, 1858, made it a penal offence for any unqualified person to assume a medical title or any title implying him to be registered under the Act. In practice, owing to the interpretation of this section by judges and police magistrates, the Act is easily evaded by any charlatan. The only other method of prosecuting false practitioners is under the Apothecaries' Act, whereby that body is empowered to proceed against unqualified persons practising medicine, but only when they actually compound, and dispense, and sell their physic. This provision, again, is easily evaded by the quack, who need only sell his advice and throw his physic ready-made into the bargain. Feeble as this means of control of irregular medical practice may be, it is the only one that has been available for generations past, in the absence of or the extremely

infrequent action on the part of the police. That state of matters is hardly creditable to a legislature that recognised the evil and created ample and drastic powers to deal with it some four hundred years ago. The foregoing and some other existing methods of dealing with false practice and false remedies—for the two things are, in the author's opinion, inseparable—will next be considered somewhat in detail.

#### POLICE ADMINISTRATION.

The powers of the police over fraudulent quacks and secret medicine vendors are great. They have only to follow up advertisements of a suspicious nature to discover the real nature of the methods pursued in any given case. Naturally, the police are loth to prosecute under the penal section of the Medical Act, inasmuch as the difficulty of obtaining convictions under that Act is notorious. It is open to the police authorities, however, to prosecute for the offence of obtaining money under false pretences. From our short analysis of the nature of secret remedies of the baser type, it will be readily seen that the exposure of their worthlessness would be in most cases an easy matter. No doubt such prosecutions, from the need of expert evidence and of good counsel, would be costly, but that is true of all criminal prosecutions undertaken in the interests of society. Something may be done locally by bringing pressure to bear upon Watch Committees and County Councils, or in London, where the police outside the City proper are not under popular control, upon the Home Office. It is to the latter central administration that the public should naturally look for protection against fraud, were there only a properly organised system of public prosecution in existence. It is a well-recognised fact that notorious frauds may be carried on for many years, after repeated exposures in the newspapers, without any attempt at interference on the part of the authorities. The unhappy man who has once been convicted of the most trivial offence is an object of police suspicion, and sometimes of police supervision, for the rest of his days, whereas an unconvicted rogue may practice notorious frauds and live a life of undisturbed luxury. Surely the prevention of fraud is a higher police function than the surveillance, say, of an unhappy wretch who has presumably purged his offence by undergoing a term of imprisonment.

Of late, however, the police have instituted prosecutions in the case of several notorious quacks, and happily with invariable success.

Dr. A. G. Bateman has reminded the writer that in this respect the Chief Constable of Brighton

deserves the highest praise for his successful crusade against the quack practitioners within his district. For instance, a year ago he secured the conviction of a notorious offender, who for many years had been living in Brighton in great style, and was known for the well-appointed equipage which he drove on the Parade daily. This man, by means of specious advertisements of a semi-religious type, and a stock of carbonate of soda and bromide of potassium, sold as a cure-all under a grandiloquent name, made an income which would have almost fallen under the lines of the super-tax. The Chief Constable, securing ample evidence, proceeded against this well-known townsman, and, after committal to Lewes Assizes, a conviction was obtained, and imprisonment followed for false pretences. Brighton can no longer be a safe and pleasant residence for quack doctors, and if Chief Constables of other cities and towns would only follow the excellent work done by their Sussex colleague, the public would be saved many hundreds of thousands of pounds a year.

The attention of the Home Office and of the police can hardly fail to have been drawn to the scathing condemnation of Bile Beans already quoted. Four Judges—namely, Lord Low, Lord Kyllachy, Lord Stormouth Darling, and Lord Justice Clerk—who delivered judgment, concurred in the application to the Bile Beans business of such terms as “gigantic and too successful fraud,” “deliberate inventions,” “lying tale,” “a deliberate fraud upon the public,” “fraudulent misrepresentation,” “business based upon unblushing falsehood.” With such evidence one would imagine that the police and the Home Office would not hesitate to take action against newspapers inserting advertisements of a business thus characterised in a British Court of Justice. Yet these advertisements have since been published systematically in the public newspapers. Surely any Home Secretary who found himself unable to deal effectually with an evil spoken of by four Judges of the High Court in terms of scathing condemnation, should at once apply to Parliament to place in his hands the necessary powers.

#### THE PENAL POWERS OF THE ROYAL COLLEGE OF PHYSICIANS OF LONDON.

The Royal College of Physicians of London came into existence under a Charter granted by King Henry VIII. (a) Amongst the various reasons given

---

(a) September 23rd, 1518, 10 Henry VIII.



for incorporating the College was the following (a):—  
 “After the example of other nations, the King has determined to found a College of the learned men who practise physic in London, and within seven miles, in the hope that the ignorant and rash practicers may be restrained or punished.” From this it is evident that the keynote to the whole Charter was the desire to suppress irregular medical practice.

Under the Charter the College of Physicians was empowered to examine candidates and to grant a licence to practice medicine. No one was permitted to “exercise the faculty” without the College licence under a penalty of £5 per month, half of which was to go to the Crown and half to the College. Under this Charter the president and elects of the College had summary powers to imprison false practitioners and to visit “’poticaries,” inspect their drugs, and punish those who had bad drugs, as well as to destroy their wares.

The penal powers given in 1518 have never been repealed. Great as was the power against irregular medical practice and remedies, it was increased under Mary, who confirmed the previous Charter in every particular. (b) In Section 4 it directs that whensoever the President or Commonalty of the Faculty of Physic of London “shall send or commit any such offender, for his or their offence or disobedience, contrary to any article or clause contained in said grant or Act to any ward, gaol, or prison within the same city and precinct, the gaolers, etc., shall receive them until the President discharge them.”

This section conferred specifically on the College of Physicians the power to imprison quacks and false drug vendors on their own summary authority, and apparently to detain them as long as they might think fit, or at any rate until the fines were paid. Under it imprisonment and fines were repeatedly inflicted by the President of the College. There can be no doubt as to the precise meaning of the Act of Mary, for in Section 5 it says:—“And further be it enacted by the authority aforesaid, for the better execution of the search and view of the ’poticary wares, drugs, and composition, according to the tenour of a statute made in the 32nd year of the said King Henry VIII.”; the section then goes on to empower the President to act in failure of wardens of gaols and others.

The power was confirmed in 15 James, Oct. 15th, although this particular charter was not presented to

(a) See Charter in the Official Book of the Royal College of Physicians of London, 1892.

(b) Mary, Sess. 2, Cap. 9 Royal College of Physicians of London.

Parliament for approval, and again in 54 George III., cap. 118, which extends disciplinary powers over qualified men throughout England, and all powers to Westminster.

The Charter of Henry VIII. was again confirmed in the Medical Act of 1858, thus bringing the penal powers in unbroken succession from 1518 to the present day. The new Act gave power to the Royal College of Physicians of London of applying for a new Charter under the title of Royal College of Physicians of England, but the College has not availed itself of the permission. Section 47, on condition of surrendering all Charters except that of Henry VIII., and confirming all rights, powers and privileges of Henry VIII., c. 5, as far as such chapter and Act are inconsistent with the new Charter.

In 1860 a short Act to amend the Medical Act of 1858 was passed (23 and 24 Vict., cap. 66). It dealt with the College of Physicians of London, and repealed letters testimonials (qualifying powers), but expressly (Section III.) confirmed "all existing rights, powers, authorities . . . duties and privileges."

From the foregoing account it would seem that the powers of the Royal College of Physicians with regard to quacks and quackery in London and within a compass of seven miles have been confirmed by all subsequent legislation. The matter is of great importance when we regard the failure of the General Medical Council, created by the Medical Act of 1858, to exercise control over any form of unqualified medical practice.

Assuming, for argument's sake, that the General Medical Council absorbed the ancient (if neglected) duties of the Royal College of Physicians of London to control quackery in and around the metropolis, let us inquire why their penal function in that respect has proved a failure. The Penal Section of the Act runs (§40):—

"Any person who shall wilfully and falsely pretend to be or take or use the name or title of a physician, doctor of medicine, licentiate in medicine or surgery, bachelor of medicine, surgeon, general practitioner, or apothecary, or any name, style, title or addition or description implying that he is recognised by law as a physician or surgeon, licentiate in medicine and surgery, or a practitioner in medicine, or an apothecary, shall on summary conviction for any such offence pay a sum not exceeding £20."

To the non-legal mind the section appears to afford ample safeguard against the quacks, but in practice the proverbial coach and four has been driven repeatedly through Section 40. This fact has been well

stated by Dr. A. G. Bateman, the Secretary of the Medical Defence Union, who has had an unrivalled experience in the working of the Medical Acts. He quotes the opinion of a learned counsel that, in order to secure the conviction of an unqualified person, the following points must be considered:—

"It is not enough for the prosecution to prove that the accused is not registered.

"It is not enough to prove further that he calls himself by a registrable title or some title that is rather like a registrable title, or seems to imply medical skill and knowledge.

"It is not enough to prove still further that he has no right to the title at all.

"You must go further still and prove that he has no reasonable grounds at all for thinking that he had the right to use the title, so as to leave no other alternative but the inference of a deliberate attempt to impose upon the public.

"In other words, you have to prove actual fraud and a personal *knowledge of that fraud by the offender.*" (a)

It is clear that, under such conditions, the Medical Act could have few terrors for the unqualified charlatan—and indeed such has been the case. An interesting illustration of the futility of Section 40 is given by Dr. Bateman. It deals with one Bridgwater, calling himself M.D., U.S.A., although no such medical degree was in existence, who carried on an extensive medical practice in Cardiff. He was proceeded against by the Medical Defence Union before the stipendiary under the 40th Section of the Medical Act, but the summons was dismissed on the ground that there was no "implying" that the respondent was registered. An application was then made to the High Court for a *mandamus* to compel the magistrate to state a case, but this was also refused, and one of the Judges of the Divisional Court remarked that "on the cases stated there is a complete fog. It is impossible to say whether this is a question of law or fact."

Bridgwater, so this interesting narrative proceeds, continued to practise, but came to the larger field of London, where, under the guise of the Progressive Medical Alliance, he carried on frauds of various kinds, until, in 1906, he was convicted at the Old Bailey for forgery, and was sentenced to penal servitude. In the opinion of the police who gave evidence, his criminal career was enabled to be carried on with impunity for many years, in consequence of the "cover" of his so-called medical practice.

---

(a) "Unqualified Medical Practice," A.G. Bateman, M.B., "National Health," August, 1909, p. 175.

Comparing the Medical Act with analogous Acts framed to protect the public against unqualified practice in dentistry and veterinary surgery, we find an amazing difference. A conviction has been obtained against an unqualified dentist for merely putting up a statement that teeth were skilfully extracted, on the ground that the statement implied qualification. A man at Kingston-on-Thames who advertised himself as a "canine specialist," was convicted for implying that he was specially qualified to practice a branch of veterinary surgery. Had a hundredth part of this rigorous interpretation been exercised by police court magistrates upon Section 40 of the Medical Act, the public would long ago have been as well protected against quacks and injurious secret remedies—which are in essence a mere offshoot of unqualified practice—just as effectually as they are with regard to their teeth and to the health of their dogs, cats and horses.

But what have the General Medical Council been doing for the fifty years they have been in existence? Have they ever tried to protect the public from the evils of quackery? Have they ever attempted to secure revision of the Act by the Legislature in order to make good the defects revealed in its application? The answer is, that the General Medical Council have failed in their duty towards the nation not less obviously than the Royal College of Physicians of London failed with regard to the metropolis. It is only in 1909 that the Council has, acting upon a sub-committee report, presented to the Government the following resolution:—"That the General Medical Council, being of opinion that the present Medical Acts do not sufficiently enable persons requiring medical aid to distinguish qualified from unqualified practitioners, and that it is contrary to the interests of the public that medical and surgical practice should be carried on with impunity by persons holding no recognised qualifications, request the Government to take steps for the appointment of a Royal Commission to inquire into the evil effects produced by the unrestricted practice of medicine and surgery by unqualified persons."

It is due to the efforts of the Direct Representatives of the medical profession upon the General Medical Council that the matter was brought to the front. On the original motion of Dr. Langley Browne, seconded by Dr. L. S. McManus a Committee was appointed to investigate the laws as to unqualified medical practice existing in the colonies and dependencies and in foreign countries. When the report of the committee was received the General Medical Council

decided to ask the Privy Council to inquire into the subject in the United Kingdom by commission in the terms of the above resolution.

In answer to this request the Government issued a Memorandum in 1909 to Medical Officers of Health asking them to furnish reports of any evils they may have met with in connection with unqualified practice. In view of the nature of the occupation of sanitary officers it seems likely that much more direct information could have been obtained from hospital surgeons, general practitioners, police surgeons and coroners. However, it may be presumed the General Medical Council were not consulted on the point. That august body may be congratulated on having gone so far as to recommend the appointment of a Royal Commission, which, as already stated, is here regarded as including the lesser question of the sale of secret remedies in the greater term, "unqualified practice."

The indifference hitherto shown by the General Medical Council to the failure of the penal section of the Medical Act of 1858 may be traced to its constitution. Of its 34 members, 5 are Crown nominees, and 24 representatives of the various qualifying Universities, colleges and halls, while 5 only are directly elected representatives of the medical profession. As the various qualifying bodies are for the most part governed by irresponsible Councils or by the higher diplomates, to the exclusion of the rank and file of the college, it follows that the nominees of such bodies on the General Medical Council do not represent the main mass of qualified medical men but rather autocratic corporations and selfish interests. In a General Medical Council thus constituted, it is natural that troublesome questions such as the failure of the Medical Act to suppress quacks and quackery should be neglected. A matter of that kind, vital as it is to the welfare of the public and the protection of the medical profession, could bring nothing but disturbance into the serene atmosphere of college halls and council chambers. It is fairly safe to say that if any strong and wholesome representation of the real medical life of the country—in the shape of the general practitioner—had been permitted in the General Medical Council during the past fifty years, the question of the penal prosecution of quacks would long ago have been settled.

Imagine a great body like the General Medical Council faced with the failure of Section 40 of the Medical Act. There is nothing to show—so far as can be ascertained—that they have ever taken any bold and vigorous steps towards obtaining a strengthening amendment to that Act. Supposing for the moment



the oft-ratified duty of the London College of Physicians to have been merged by the Act of 1858 in the powers and duties of the Council, have they ever considered how that solemn duty to the public could best be discharged? Or, if the London College be supposed to retain the duties as to the prosecution of quacks imposed by its original Charter, have the General Medical Council done anything to bring home to the physicians a sense of their responsibility and of their neglect? Or has the representative of the Royal College of Physicians, who has sat on the Council for fifty years, ever raised the pertinent point as to whether the duty of quack prosecution still lay with the College, or had been transferred to the General Council, or had lapsed into no man's land?

The foregoing observations are clearly made from one point of view, and it is possible that both the Council and the Royal College of Physicians may have a satisfactory explanation from their side of the question. An obvious answer of the Council would be that it was no part of their duty to prosecute quacks or to strengthen defective Acts. There would doubtless be some force in such an argument, but at the same time it must be borne in mind that they were called into existence by the Act of 1858, which purports to be framed in order to enable the public to distinguish qualified from unqualified practitioners by means of an official *Register* and by other provisions. Surely it is the bounden duty of a Council created for such a purpose to use its great influence with the Privy Council to take steps to amend that particular Act, which is open to the fatal flaw that it permits the use of medical titles and the practice of medicine by unqualified persons.

To the average layman it would seem a clear enough duty of the General Medical Council long ago to have secured final decisions in the High Courts of doubtful readings of the Act that brought them into existence, and to have striven to their utmost to get the penal clauses strengthened by Parliament.

Similarly, the Royal College of Physicians may say that their duties were superseded in the Act of 1858. That hardly coincides with the small special Act of 1860, which expressly confirms all the duties and privileges granted under the Charter of King Henry VIII. These duties were imposed as some kind of return for the monopoly of granting qualifications to practice medicine granted to the College. The privileges are retained to this day, but the duty of prosecuting false practicers and false 'poticaries has been neglected. The duty can hardly be said to have become obsolete, as some laws such as the ancient Act regulating the

observance of the Lord's Day have become obsolete. The duties of the Royal College of Physicians have been confirmed in subsequent Acts up to 1858 and 1860. They were exercised at times over quacks for two centuries or more and were publicly affirmed by the College itself, as already stated, in the Medical Directory for the year 1857, and, as already stated, in the present year in their objection to the British Medical Association's proposed new Charter. If the Legislature, then, be in need of an instrument, they may conceivably turn to the Royal College of Physicians, and ask that body for an account of their stewardship during the last 390 years.

It is worthy of note that, in the opinion of Dr. Norman Moore, a gentleman well versed in the history of the London College, up to the year 1906, there had been no material alteration in the constitution of the College. In a notice of that body he said that it was provided in 1518, when Henry VIII. was full of his youthful zeal for knowledge, and "has continued without any material alteration to the present day." (a)

As already hinted, there may be some legal loophole by means of which the Royal College of Physicians of London may avoid or escape the duties imposed on them by the Charter of King Henry VIII. It would be presumptuous for a mere layman to advance any dogmatic opinion upon a somewhat complicated legal issue of the kind. At the same time it is quite conceivable that it may be urged that the penal powers under the original Charter were vested solely in the four elects, and that, by Section 5 of the Medical Amendment Act of 1860 (22-24 Vict., c. 66), so much of the Henry VIII. Act as relates to the elects was repealed. If that be so, the penal powers seem to be rendered nugatory by the abolition of the "elects" who were chosen annually for the purpose of enforcing those powers as regards false practices and false drugs.

The President, however, appears to have some power of independent action under Section 2 of 1 Mary, S. 11, c. 9, which requires gaolers to receive persons committed by the President or those authorised by him. 32 Henry VIII., c. 40, directs that four of the fellowship of physicians are to be chosen yearly to examine drugs, etc. Section 3 of the Act of Mary enjoins the Warden of the Grocers to assist in the search, and justices, sheriffs, and the like to assist. These powers, at any rate, appear to be untouched by the amending Act of 1860. The question as to whether the abolition of the machinery for administration, in

this case the four elects, would at the same time abolish the duty of prosecuting local quacks vested in the Royal College of Physicians of London, must be left to the lawyers to decide.

So far as the State control of quacks and quackery is practically affected by the various Acts that have been discussed, the position may be thus summed up: Henry VIII. instituted a properly guarded medical qualification, and conferred upon the Royal College of Physicians of London the duty of prosecuting all who practised without a licence in London and seven miles round, as well as persons who sold false remedies and drugs. That duty was carried out intermittently for some hundreds of years, and we find it asserted in the first "Medical Directory," published in 1845, that "The President and Court (a) of the College have the power of committing individuals contemning their authority to Newgate. This power has been exercised by the Court, but not of late years." (b) A similar statement appeared almost yearly to 1854. In 1858 the Medical Act of that year established penal powers over illegal medical practice, but the Act does not appear to have affected the existing powers of the Royal College of Physicians of London. The amending Act of 1860, however, dealing with the College, abolished the elects, and possibly, as already said, may at the same time have rendered nugatory the punitive powers of the College conferred by the Charter of Henry VIII., which entrusted the discharge of those duties to the elects. Whatever the exact legal position may be in 1909, it may be safely stated that, at any rate, from 1518 to 1860, there were summary powers in existence for dealing with quacks and quackery; that these powers were more or less intermittently enforced for at least between 200 and 300 years, and that their existence has been admitted by the College up to 1909. The principle of these powers over unqualified practice has been adopted in the penal section of the Medical Act, 1858. Owing to the various interpretations of this section the provision has proved of little use in restraining illegal practice. It is to be hoped, therefore, that the General Medical Council will take steps to ascertain the exact legal position of the Royal College of Physicians of London, and incidentally also of Scotland and Ireland, as regards the control of unqualified medical practice. Nor is it less important to the medical pro-

(a) It is obvious that a definition of the term "Court" is necessary, if it refers to the Council or the fellows or members of the College. The penal powers may be vested in the President and "Court," apart from the elects.

(b) "Churchill's Medical Directory," 1846.

fession and the public that the General Medical Council should take steps to secure authoritative rulings of Section XL. of the Medical Act, 1858, and, finally, to use their great influence, to which they are by their high position justly entitled, with the Legislature, in order to obtain a short Act establishing remedies against illegal medical practice before courts of summary jurisdiction.

The foregoing remarks and suggestions, be it said, are submitted with all diffidence, and with a full sense of the pitfalls that await the technically unlearned investigator who attempts to thread the mazes of a legal history extending over nearly 400 years.

#### ELECTIVE REPRESENTATIVE MEMBERS OF ALL CORPORATIONS ON GENERAL MEDICAL COUNCIL.

Parliament, however, in search for a method of revivifying the General Medical College and the qualifying bodies of the United Kingdom, could effect that purpose by a stroke of the pen. The constitution of the Council is for the most part that of the non-representative nominees of the constituent corporation. There is nothing in the Act to show how those representatives were to be chosen. Parliament or the Privy Council, or the General Medical Council itself, have simply to decide that in future the representative of every qualifying body upon the Council shall be elected by their respective graduates or diplomates.

As regards the Royal Colleges of Physicians and Surgeons of England, Scotland, and Ireland, the government is in the hands of the Councils and Fellows, to the exclusion of the lower ranks of diplomates, namely, the licentiates, and in some instances the members. As the Colleges draw the bulk of their revenue from the lower ranks, it follows that the exclusion of the latter from any part in the government of the colleges runs counter to the modern democratic view that those who contribute income should have a voice in its expenditure.

Far as the cry may seem, it is not unlikely that the autocratic and largely irresponsible government of the Colleges has a direct relation to the prevalence of quackery. Had the qualifying corporations been governed by the rank and file of the medical profession, and had the majority of the Council been representative of medical practitioners generally, instead of the corporations, they would long ago have contrived to deal with the blatant evils arising to the public from the practice of quackery. Surely the legislative wisdom of the nation can cope with an evil which was emphatically denounced and legislated against 400 years ago.

With the question of the government of the Colleges that of a single portal qualification is closely connected. The public, when once fully informed of the grotesque nature of the present position with regard to medical qualification, will be likely to cut the Gordian knot in a simple and direct fashion. For instance, the English Colleges are at present amalgamated to give a conjoint qualification, M.R.C.S. England, L.R.C.P. London. Why should they not be united into a single body, giving a single qualification? Why should not the Scotch Colleges—three in number—be united in a similar manner? Why, indeed, should not the English, Scotch and Irish Colleges and Halls—that is to say, some nine qualifying bodies—be amalgamated with a single qualification? There need be no disconcerting disturbance of teaching methods and ancient traditions. The interests of the public and of the medical profession would be advanced in various ways by the institution of a single professional qualification, a plan that answers well enough in the sister profession of the law.

#### PROSECUTION BY PRIVATE ORGANISATIONS.

The Medical Defence Union have made persistent attempts to cope with the evil of unqualified medical practice. The difficulty they have encountered in obtaining convictions, however, has been disheartening. One case of failure has been already mentioned—namely, that of the acquittal of a Cardiff quack who assumed a fictitious American degree.

A striking instance of the kind was that of the prosecution of a "botanist" named Steel at Houghton-le-Spring, in Lancashire. (a) In spite of a previous conviction, defendant carried on a flourishing practice. He was said to be the proprietor of a club with upwards of 500 members. He was further stated to have actually printed death certificates for his own use, and these were apparently accepted by the branch registrar of the district. The magistrates found defendant "not guilty" of an offence under Section 40 of the Medical Act (1858), and, as the decision was on a matter of fact, there was no further appeal against their decision.

In another case a certain "Dr." Matthews, of Norwich, was prosecuted, under Section 40, by the Medical Defence Union. (b) For 46 years he had carried on a flourishing trade as herbalist and unqualified medical man, in which occupation he succeeded his father, who had engaged in similar practices for

---

(a) MEDICAL PRESS AND CIRCULAR, January 4th, 1899.

(b) MEDICAL PRESS AND CIRCULAR, August 31st, 1908.



27 years. The only pretence at medical education on the part of defendant was that he had attended a course of midwifery at Westminster Hospital School of Medicine in 1858, and for that he had received a certificate. The Bench acquitted him of wilfully and falsely pretending to be registered. They found him guilty, however, of taking the title of surgeon, inasmuch as he had signed death certificates as "Surgeon, Accoucheur." This conviction was arrived at solely on the strength of the comma. In spite of these adversities, the writer understands from Dr. A. G. Bateman that "Dr." Matthews has actually been raised to the local Borough Bench, and can now write the letters "J.P." after his name.

An endless array of illustrative cases could be furnished. The following point, worthy of note with regard to existing means of control, is suggested by the two foregoing incidents.

#### THE DEATH CERTIFICATE.

There can be little doubt that in the death certificate there exists a powerful means of control over irregular medical practice. Were coroners to insist more rigorously upon the holding of inquests in cases of irregular death certification, it is likely that the public would become more chary of employing unqualified practitioners. The Registrar-General might do still more in a similar direction by instructing all branch registrars to refuse death certificates signed by irregular medical practitioners, and to communicate in all such cases of irregular signature with the coroners and the police of the district. Lastly, Parliament might render the signature of a death certificate or of any other document appertaining to the duty of a qualified medical man by an unqualified person a penal offence.

With regard to the granting of death certificates, great caution should be exercised by the voluntary medical charities in that direction. It is a common practice for poor people to take their children to a hospital when very ill, possibly as the result of some deadly patent medicine, and, in the event of death, to obtain a certificate from the house surgeon on the strength of that single visit. Under such circumstances a certificate should be refused, as it is impossible to say upon the evidence gleaned by a cursory examination in a crowded out-patient or casualty room what may have caused the child's death. Common prudence would seem to dictate that a certificate should not be granted by a hospital officer in any case of acute illness where death has ensued after one or two visits.

## LOCAL BYE-LAWS

Existing resources are by no means exhausted by an appeal to the London College of Physicians, the General Medical Council, the police, the coroners, and the Registrar-General. A powerful weapon exists in the hands of local governing bodies, which are entitled to make special bye-laws prohibiting the practice of quacks within their authority. For instance, early in 1897 the Durham County Council framed a bye-law to deal with vendors of quack medicine in local towns. This step was taken on the somewhat narrow ground of protecting local tradesmen. It nevertheless shows that an enlightened local authority has considerable power in limiting the operations of the unqualified pretender to medical knowledge.

## THE GENERAL MEDICAL COUNCIL AS A PROSECUTING BODY.

The General Medical Council has successfully prosecuted at least one irregular practitioner, and were the necessary funds forthcoming it is possible that the necessary strong prosecuting authority might be found in that direction. At any rate, the point deserves the careful attention of any future official inquiry.

## THE MEDICAL JOURNALS.

To the honour of the medical profession, it may be said that the voice of the medical journals has been consistently raised against the evils of unqualified medical practice and quack medicines. The oldest of the medical journals, the *Lancet*, has pursued that policy with undeviating purpose since its foundation in 1825. THE MEDICAL PRESS AND CIRCULAR, founded in 1838, and probably the second oldest medical journal, has always taken the same course, which has since been adopted by the *British Medical Journal*. The opinions of the medical journals, it cannot be forgotten, are, for the most part, addressed to the medical profession. It can hardly be expected that, human nature remaining what it is, the ordinary lay newspaper will publish condemnations of those secret remedies from which they draw a large income.

## THE LAY PRESS.

It may be laid down as a self-evident proposition that without the aid of newspaper advertisement the occupation of the secret remedy proprietor would be for the most part gone. Quite recently the request of the General Medical Council for a Royal Commission, and the Government answer thereto, was hailed with a chorus of high-toned sen-

timent by various leading newspapers, such as the *Times*, the *Daily Telegraph*, and the *Daily News*. Unfortunately, principles in this case often clash with practice, as shown in an address by Mr. Henry Sewill at the Reigate Division of the British Medical Association, on May 6th, 1909. On that occasion he referred to "a long and special article published in one of the foremost papers of the day." It dwelt upon the injury to the national health arising from the use of quack medicines. It referred to the harm done by sham tonics containing alcohol and narcotics, and described the deadly results which often followed reliance upon quack medicines when organic diseases existed, as, for example, when an indigestion cure containing nothing but a coarse purgative was relied on in a case of gastric ulcer. From this very paper Mr. Sewill displayed an enormous advertisement of an indigestion cure of the kind mentioned, the character of which had been more than once exposed in the chief papers of the day. After examining a file of the newspaper alluded to, he had satisfied himself that it derived an income of over £50,000 a year from every form of quackery against which its own article protested.

A flood of light has been thrown upon the attitude of the British newspaper press as regards quack medicines, by their reception of the book on "Secret Remedies," published by the British Medical Association. It is announced in a leading article (a) of the official journal of the latter body that:—"Advertisements have appeared in the *Daily Telegraph*, *Manchester Guardian*, *Glasgow Herald*, *Spectator*, *Punch*, *John Bull*, *Pharmaceutical Journal*, and *Chemist and Druggist*. An advertisement tendered to the *Daily Mail* was first declined, but afterwards accepted. The *Daily Express*, *Daily Chronicle*, *Star*, *Graphic*, and *News of the World* refused to insert the advertisement, and the veto in the case of these newspapers has been maintained." The true import of this refusal will at once occur to anyone versed in the ordinary ways of the world. It has been aptly and not unfairly represented by the Editor of the journal mentioned in the following passage:—"The romance of the advertisement, indeed, finds no support in the prose of the analyst. But all these our contemporaries profess a mission to educate the public, and might themselves have been expected to review the book at length, so that their readers might be enlightened as to the composition of the remedies which are said to cure consumption, and kidney disease, and gout, and

---

(a) *British Medical Journal* October 16th, 1909, p. 1174.

epilepsy, and diabetes, and even cancer. Instead of so doing, they take the extreme course of refusing an advertisement of the work. Wise in their own generation, they assign no reason for the refusal, and the suggestion that it is in the fear of offending the quack drug sellers is permissible. It is not an incident of which the British Press can feel proud, but it is one of which the medical profession must take note."

It is a curious fact that a newspaper whose proprietors exclude betting news on the ground of public morality should not hesitate to insert advertisements of worthless and injurious nostrums, the real nature of which has been publicly exposed in the law courts and elsewhere, and must be recognised by every experienced man of the world, to which class the average newspaper editor presumably belongs. For many years *Truth* has done good service by the constant exposure of quacks and quackery, and the medical profession should be grateful to the editor of that journal for the fearless way in which he has assumed the neglected functions of public prosecutor, of police, of General Medical Council, and of the Royal College of Physicians of London. Speaking generally, it is difficult to realise by what code of ethics any honourable editor can give publicity to unqualified practitioners and to secret remedies, the true character of which has been exposed, or is obvious to the most superficial observer. It is the more surprising when we consider that some of the proprietors of leading British newspapers are among the peers of the realm. Where is the *noblesse oblige* in helping a quack medicine proprietor to defraud the public by selling worthless "cures" for, say, incurable kidney disease, or to destroy health and life by dangerous drugs sold by lying promises to cure this, that, or the other malady, or, haply, some four or five score assorted diseases? Nor is wonder lessened when we find that in religious or semi-religious journals the quacks find their securest stronghold. Why should not a self-respecting lay editor refer all advertisements of "cures" and remedies to a competent medical sub-editor?

An American newspaper, to its honour be it said, has excluded offensive medical advertisements from its columns. This step of the *St. Paul Pioneer Press* has been taken at considerable financial sacrifice, and the *St. Paul's Dispatch* later announced that it was going to "clean up its columns." This action was warmly commended by the *Journal* of the American Association. (a)

---

(a) May 15th, 1909, p. 1,599.

Another journal that has made an honourable stand against quack remedies is the *Australian Traveller*, the organ of the Commercial Travellers' Association of Australia. It is published by a body of business men representing all branches of commerce, and it deliberately refuses to make money out of quack remedies or drugs that "debauch and deprave."

They announce prominently:—

WE REFUSE THEM.

IMPORTANT NOTICE.

This paper will NOT advertise  
any MEDICINE (or the proprietors of)

Claiming to CURE:—

CANCER,

CONSUMPTION,

or other

ORGANIC DISEASE,

DISEASES OF THE NERVOUS SYSTEM,

BLOOD DISORDERS,

FEMALE COMPLAINTS,

NERVOUS DEBILITY.

Finally, when the time comes that the prosecution of irregular practitioners and of fraudulent remedies is systematically conducted by some responsible official, the risk to newspaper editors of being indicted for assisting in a criminal transaction, will, in all probability, speedily cleanse the British Press of this blot upon its escutcheon.

THE MEDICAL PROFESSION AND THE CLEAN NEWSPAPER.

The aggregate influence of the medical profession is enormous. If its members gave their united support to the clean newspapers, and denied it to those who inserted objectionable advertisements, there is little doubt they could make or mar the fortunes of many a journal. With this end in view, it would be, perhaps, feasible for the medical journals, or the British Medical Association, to publish a kind of *index expurgatorius*, marking the newspapers that medical



men are advised to reject on the score of the insertion of objectionable advertisements; or, alternatively, perhaps the wiser plan would be to point out the journals free from reproach in that particular direction.

### CORONER'S INQUEST.

The coroners admittedly exercise a good deal of influence in the control of quacks and quackery. By means of a direct object-lesson they are often able to assist in opening the eyes of the public as to the evils of the system. Indirectly they might greatly help in the suppression of quackery were they to hold more frequent inquests in cases of uncertificated deaths, and to maintain, if they have the necessary legal powers, a watchful eye upon the signatures to death certificates accepted by local registrars.

Coroners may do good in various ways, as shown in the following case, which illustrates the use of a quack medicine for epilepsy. The inquiry was held by Mr. Braxton Hicks, upon the body of a journeyman baker, a sufferer from epilepsy, who spent 11s. weekly on patent medicine. This costly stuff was shown by medical evidence to consist of chloroform water, coloured by burnt sugar, and a few grains—an absolutely useless dose for epilepsy—of potassium bromide. The jury appended to their verdict of "Death from natural causes" a rider to the effect: "That they considered that the attention of the proper authorities should be called to the gross fraud perpetrated upon the public by the sale of these mixtures at exorbitant prices." The first obvious reflection on reading this rider is to ask, "Who are the proper authorities? Do any such authorities exist? Whose duty is it to take action on the indignant protests that come from the coroners and the criminal courts?"

### THE REGISTRAR-GENERAL.

The Registrar-General can make it much more difficult for irregular medical practitioners to carry on their work if he insists upon a stringent rejection by local registrars of all signatures to death certificates other than by duly qualified medical men. In view of the varying practice and laxity that is from time to time revealed in newspaper reports, some official inquiry and strengthening legislation are desirable in the interests of the community.

### THE POISONS' ACT.

The extension of the poisons schedule in the sale of drugs sold either alone or in combination for the treatment or cure of disease, would help towards the security of the public. There are many potent and

dangerous drugs sold to the public in the form of patent or proprietary medicines which should never be prescribed except under the advice and control of a properly qualified medical man. There is no need to go at length into the list of such drugs, but a few may be mentioned, such as acetanilide, arsenic, opium, morphia, lead, strychnine, chloral, phenacetin, mercury and its salts. What candid person would hesitate to agree to an extension of the poisons schedule when told that such a drug as colchicine is sold for the treatment of female "troubles," (a) and that one-third of a grain has been known to cause death, and as it is excreted slowly from the body, and is therefore cumulative, its administration in repeated doses in pill form is attended with serious danger? It is true that when a proprietary medicine contains a scheduled poison, the word "Poison" has to be printed on the label. The drawback to the proprietor that would be inflicted by so damaging a notice, however, is readily overcome by using type so small as to escape anything but the most careful scrutiny.

#### THE INLAND REVENUE.

One of the cruelties of the traffic in secret medicines is the use of alcohol. In this way it may lead man, woman, or child to acquire a drug habit, and at the same time inflict all kinds of damage to brain, kidneys, liver, and other internal organs. A more striking example of callous contempt of right-mindedness it would be hard to find than that afforded by the sale of whisky to teetotallers as "tonics" and of strong dilutions of ardent spirit to drunkards under the guise of "drink cures." A common abuse is that of sham "tonics" composed of Taragona port or other wine, compounded with various meat essences, extractives, and so on. The Inland Revenue might interfere in all alcoholic secret medicines with considerable effect, inasmuch as their action would reveal the true nature of the wrong that has been perpetrated not only upon the public, but also against the national revenue. In Canada, where effective steps have been taken against both abuses, the subject of patent medicines has been investigated in the laboratory of the Inland Revenue Department, Ottawa. Mr. Thomas Macfarlane, Chief Analyst, in the course of a report (b) to the Deputy Minister of Inland Revenue, January 9th, 1906, Bulletin 3, says of "Peruna":—"From the small percentage of total solids contained

---

(a) "Australian Report," §59, p. 24.

(b) "Australian Report," p. 109.

in this article, less than is found in ordinary rye or Scotch whisky, it does not appear to belong to the class of patent medicine. The quality of alcohol found in it (40 per cent. proof spirit) is considerably higher than the strongest port wine, and about two-thirds that of the ordinary grade of whisky. It becomes a question whether it could be legally sold by druggists without a liquor licence. In the *New Hampshire Sanitary Bulletin* of the present month it is stated that an order has been issued by the Commissioner of Internal Revenue, Treasury Department of the United States, requiring dealers in certain patent medicines to pay a revenue tax as liquor dealers." A list of proprietary preparations follows, and of these Mr. Macfarlane says:—"These preparations contain so small an amount, if any, of effective drugs or medicines, and so large an amount of alcohol, as to make their use as intoxicants not uncommon."

Here, then, we find in an existing organisation a powerful means of attacking one of the deadliest and most insidious of secret remedies. Armed with an analysis showing the alcoholic and other ingredients (or lack of ingredients) of a remedy of this kind, it should not be a matter of any great difficulty to induce some member of Parliament interested in temperance questions to ask a question in the House about the incriminated preparation, and in that way to reveal its true nature not only to the public, but also to the Inland Revenue authorities.

#### THE FOOD AND DRUGS ADULTERATION ACT.

In some instances where it can be shown that the vendors of patent medicines have failed to use the drugs that are named in their advertisements, they would probably lay themselves open to prosecution under the Food and Drugs Act. In the above-quoted Bulletin No. 113 of Mr. Macfarlane, he writes of "Ozone":—"Since this article contains a substance whose properties are the opposite of those indicated by the name, its sale would appear to be illegal under Section 2 of the Adulteration Act, according to which a drug shall be deemed to be adulterated 'if its strength, quality, or purity falls below or differs from the professed standard under which it is sold or offered for sale.'"

That something can be done, however, under the British Food and Drugs Act has been shown by Dr. Hope, the Medical Officer of Health for Liverpool. He obtained a conviction in the case of a patent medicine vendor who sold a nostrum as a specific cure for liver complaints. This so-called remedy he showed to consist of an acidified solution of glycerine

worthless for the purpose mentioned, therefore sold to the detriment of the purchaser. His successful prosecution under the Food and Drugs Act suggests that Medical Officers of Health might exercise a great amount of control generally over the trade in secret remedies. Dr. J. C. McWalter (*a*) insists on the importance of Dr. Hope's precedent, which, coupled with the published analyses of the British Medical Association, should induce local Councils to prosecute persons selling worthless articles as cures for diseases. Then medical officers of health could testify to the worthlessness of the preparations and the purpose for which they were sold.

Dr. McWalter holds that the solution of the quack medicine problem is to be found in compelling the makers of nostrums to set forth the ingredients on the label. His remarks on the attitude of the British Government, which last year received some £340,000 from the Inland Revenue stamps upon patent medicines, put the case with strong and vigorous rhetoric.

"The concurrence of the Government (*b*) in this traffic," he writes, "has become a national scandal. No other reputable legislature on earth has consented to take from quack medicine vendors what may be described as the 'wages of sin.' There is, indeed, a small tax in the United States on proprietary articles, but as their composition must be set forth on the label, the money may be considered as comparatively untainted. The Government of France tolerates no quack remedies—home or foreign; the ingredients must be made known to the public. The German Government have even a stricter rule. Were our flourishing quack medicine makers, who take over £2,000,000 per annum from the sick and ignorant, and pay £340,000 to our Government, to attempt to carry on their calling under like conditions in Italy, or even Russia, the police and the gaol await them."

### THE CHILDREN ACT, 1908.

Dr. A. G. Bateman has drawn attention to the fact that it is possible to proceed indirectly against irregular practitioners who have treated children under the age of 16 years. The Children Act, 1908, Section 12, renders it a misdemeanour for a parent or other person legally liable to maintain a child (*c*) or young person (*d*) who shall be deemed to have

(*a*) "How to deal with the Quack Medicine Traffic." By J. C. McWalter, M.A., M.D. *Medical Press and Circular*, September 22nd, 1909.

(*b*) *Loc. cit.*, p. 316.

(*c*) "Child" defined for purposes of Act as under 14 years.

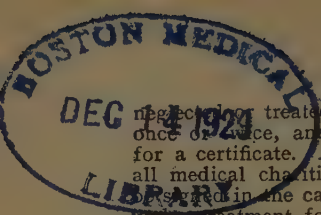
(*d*) "Young person," 14 to 16 years,

neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid, or lodging for the child or young person. The misdemeanour is punishable under the Act on conviction on indictment to a fine not exceeding £100 and imprisonment up to two years, or on summary conviction to a fine not exceeding £25, or six months' imprisonment. Should it be shown that the parent or guardian is directly or indirectly interested in money accruing from the death of the child or young person, the punishment on conviction is much heavier. Again, should the child or young person die, the parent or other guardian is open to a prosecution for manslaughter.

The bearing of this upon quacks and quackery is clear. Any parent or guardian of any child or young person is liable to smart punishment if convicted for having failed to provide adequate medical aid, demanded by Section 12 of the Act. It is hardly conceivable that any magistrate would regard the advice of an unqualified person as falling under that head. Nor is it likely that the prescription of a chemist, despite his knowledge of drugs, would fall within the definition of "adequate medical aid." Then comes the further point that any person giving unqualified services in such a case would become an accessory to a misdemeanour or a felony, and therefore open to prosecution. In this way it would be possible to prosecute the whole tribe of bonesetters, herbalists, bogus oculists, and others—indeed, of all quacks incautious enough to treat any person under 16 years of age. It may sound somewhat harsh to mention in this connection chemists, who form a skilled and honourable class of men. Nevertheless, it is evident that if, by reason of good nature or inadvertence, a chemist were to prescribe certain physic for the use of a young person, he might find himself involved in extremely unpleasant consequences.

Another strong point in the Children Act is the provision in Clause 6 that in the case of any person who has taken charge of an infant he is to give notice in writing of the death within 48 hours. Unless a certificate signed by a duly qualified medical practitioner is forthcoming, the coroner is required to hold an inquest upon the body, unless satisfied that there is no ground for such an inquiry. A proper observance of this clause would probably render parents and guardians less likely to resort to quacks and quack medicines for their ailing children. This section should be known by all resident medical officers at hospitals and other medical charities. It is a common practice to bring babies and children who have been





neglected or treated with quack remedies to a hospital once or twice, and then, in case of death, to apply for a certificate. A rigid rule should be observed in all medical charities that no death certificate should be signed in the case of any patient who has not been under treatment for at least a week. A rule of that kind is strictly kept by almost all medical practitioners. It is obvious that the bringing of a large number of cases of infant deaths under the notice of the coroners would enable the latter to acquire a mass of accurate information as to illegal medical practitioners and the effects of secret remedies administered to infants. By keeping in touch with the police, coroners might do a great deal under the Children Act towards the suppression of quacks and quackery.

### THE PHARMACEUTICAL SOCIETY.

The Pharmaceutical Society was established in 1841. There have been five Pharmacy Acts between 1852 and 1908 which have given them powers of examining and registering. The functions which concern the present inquiry are the Society's right (*a*) to institute proceedings against sellers of poisons, and (*b*) through His Majesty's Order in Council to vary poisons schedule.

(*a*) The right of the Pharmaceutical Society to prosecute sellers of poisons apparently furnishes a powerful weapon of attack upon patent medicine vendors who use certain recognised poisons in their proprietary medicines. The Society can now gain authoritative information as to many of these preparations from the books published by the British Medical and the American Medical Associations ("Secret Remedies" and "Propaganda for Reform" respectively), and from the "Australian Report."

(*b*) As regards the poisons schedule, would it be feasible for the Pharmaceutical Society to extend—or take steps to extend—the poisons schedule so as to add certain drugs to the list so far as patent and proprietary medicines are concerned? If it be shown, for instance, that colchicine is sold in certain pills to "correct" female troubles, and that its action as a cumulative poison is highly dangerous, could not the sale of that drug in that form be made the subject of prosecution? Again, calomel is a dangerous poison in the case of children, and is extensively sold in the form of "teething powders." Would it not be possible to schedule calomel as a poison in secret remedies, and proceed against those who sell it hereafter?

If this principle be once established, its extension to acetanilide, opium, morphia, and many other

poisons would aim a deadly blow at the most injurious portion of the quack medicine trade.

### THE BRITISH MEDICAL ASSOCIATION.

The most powerful organisation hitherto created amongst medical men is that of the British Medical Association. During the last few years the evolution of that body has been proceeding at a rapid pace. It is needless to dwell upon the many ways in which they might help the campaign against quacks and quackery. Such steps as advisory representations to the General Medical Council, pressure upon corporations to exercise their powers in particular cases, appeals to Government for the amendment of defective Acts, and the like, are sufficiently obvious. Coming from the representative organisation of the majority of the medical profession, their opinions could not fail to carry weight with any official body.

It would be, perhaps, possible for the Association to co-operate with the Society of Apothecaries in the prosecution of unqualified practitioners, and to defray a part of the cost of such proceedings out of the funds of the Association.

### THE GENERAL MEDICAL COUNCIL

has successfully prosecuted an irregular practitioner. Were legal proceedings of the kind undertaken on a large scale, a great deal of money would be required, and it is a matter of common knowledge that the income of the Council is not great. The revenue of that body might be easily multiplied to the required extent were registration of medical practitioners rendered compulsory, and were an annual fee imposed on all persons so registered, as in the parallel case of the Incorporated Law Society. Medical men would probably pay the additional tax with cheerfulness if they knew that thereby they would secure the enormous advantage of protection against the competition of unqualified persons.

### THE SOCIETY OF APOTHECARIES OF LONDON.

The Society of Apothecaries of London dates, as a licensing body, from James I., in the year 1617. The original Charter gave them the power to "remove or prohibit" persons practising unsatisfactorily as apothecaries without their licence. Under the Apothecaries Act, 1815, they can and do from time to time prosecute unqualified persons who infringe the privileges of the apothecary. Bonesetters appear to be outside the Society's jurisdiction. Herbalists have some-

times met their prosecution with a defence already mentioned, raised under a statute of Henry VIII., not yet formally repealed, which granted to them certain privileges with regard to sundry specified diseases. It would be an advantage to the public were the General Medical Council to carry to appeal, should occasion arise, the question whether the Act of Henry VIII. is still operative or otherwise.

The statute above alluded to, is thus spoken of in the first "Medical Directory," (a) published in 1845:—  
 "By Statute 34 and 35, Henry VIII., c. 8, unlicensed persons may use and minister on and to any outward sore, income wound, apostumations, outward swelling or disease, any herb or herbs, ointments, baths, pultess or emplaisters, according to their cunning, experience or knowledge in any of the diseases sores and maladies aforesaid, and to all other like to the same, in drinks for the stone, strangury, or agues, without suit vexation trouble penalty or loss of their goods, the foresaid statute in the foresaid 30th yeare of the King's most gracious reign or any other Act notwithstanding."

With respect to this statute, Lord Chief Baron Comyns says (in his "Digest title Physician D.") that it "enables only to make application to external sores," etc., not internal; and in *Le Colledge de Physicians'* case, *Littleton's Reports* 349, Lord Chief Justice Richardson, in delivering the judgment of the Court of Common Pleas, says that "this statute reaches neither in word, nor in intent and meaning to give liberty to any person that practises or exercises for lucre or profit, so that this statute excludes all those who take any money or gain."

This last-mentioned ruling seems to be of importance in view of the defence set up by herbalists and others. It apparently shows that if any money is paid to the unqualified person he cannot avail himself of the statutory right conferred by 34 and 35, Henry VIII.

The Apothecaries Act gives considerable powers for the suppression of quacks. The costs of proceedings no doubt usually falls upon the Society, which can hardly be expected to undertake wholesale proceedings of the kind. Were the State to find the money for legal process under the Apothecaries Act, there would be little need of fresh legislation. Proceedings under it have to be taken in a County Court for recovery of debt or penalty, and may be instituted by anyone with the sanction of the Society. The weak

---

(a) "The New Directory of Great Britain and Ireland for 1845." Published at Medical Directory Office, 272 Strand. Oliver and Boyd Edinburgh; Fannin and Co., Dublin; and by all booksellers.

point is that it must be shown that the unqualified person actually compounded and dispensed the medicine for the occasion; it is not enough that he handed his client a remedy already compounded, whether under a quack title or otherwise.

#### ACTION UNDER COMMON LAW.

167 Mr. G. F. Darker, a medical man practising as a barrister, has made the important suggestion that quacks and quackery might be dealt with by the Common Law of England, together with the Sale of Goods Act, whereby an aggrieved party can sue for damages for breach of warranty or fraud, or even prosecute criminally in some cases. The Medical Defence Union might perhaps be induced to bring a test prosecution against the vendor of a quack nostrum on the grounds mentioned. The same legal friend has also reminded the writer that recent legislation has rendered it possible for magistrates to give costs in cases of this kind. This fact may encourage the Society to increase the number of prosecutions.

#### TREASURY PROSECUTIONS.

The "Australian Report" (p. 365) comments upon the "First and only prosecution of the British Treasury," that is to say, of a quack. On September 21st, 1906, William Henry Hawkins, 62, and his son were charged on a Treasury warrant with conspiring by false pretences to obtain money and valuable securities from such of His Majesty's subjects as should thereafter purchase from them certain powders. Their circulars included a biography, written by the elder Hawkins, of the Rev. Joseph Hook, telling how he discovered the wonderful powers of the medicine known as "Corassa Compound" from a priest in South America. The compound was said to consist of four drugs: "Corassa abinus, selarmo umbertifera, alkernes edifolia, and karsadoc herbalis." This medicine was said to cure forty-seven diseases. Other remedies, discovered by other clergymen, were circularised under the name of the Rev. Mr. Stone. Analysis showed the powders to consist of a mixture of bicarbonate of soda and bromide of potassium. The trade cost of twenty-five powders was about one penny. That number of powders was sent by accused at a charge of 18s. 6d., and it was stated that a chemist would charge 28s. for making up these powders. The prosecution against the younger Hawkins was withdrawn, but the father was found guilty.

The judge, in passing sentence of three months' imprisonment with hard labour, said that he looked

on it as a sort of test case, and he wished the Treasury every success in taking up cases of that kind. A great and good work would be done by stopping the sale of quack medicines.

The Australian Commissioner makes some caustic comments on the result of this trial. "Can anyone claim," he asks, "that the judicial perception of right really accords with the desires of the British people? Four years' for stealing a skirt, two years' for snatching a hand-bag, seven years' for embezzlement, five years' for stealing ducks, as against three months' for issuing—uttering—200 to 500 actual forgeries a day, and carrying on the practices for ten years at least. Hawkins made 'considerable sums of money' by proven fraud against the lives and health of the public, especially against persons suffering from contagious sexual diseases, so that wide personal and racial damage was done. Three months' confinement for these multitudinous infamies! No wonder, when such is the proper punishment, according to the judicial estimate, that this was the first and only prosecution by the Treasury."

As a matter of fact, the prosecution of Hawkins had been demanded by the *Lancet* ten years before his actual trial. What can be the candid feelings of newspaper editors who for all that period inserted the felonious advertisements whereby this impersonator of clergymen was enabled to defraud the public with his worthless nostrum?

From what has been said, it is clear that there are in existence many ways in which both false practitioners and false and secret remedies may be checked and controlled. It is to be hoped that the General Medical Council, faced with the failure of the penal section of the Medical Act of 1858, will ascertain the exact legal position both of the Council and of other bodies with regard to their powers against quacks and quackery.

## SUMMARY AND CONCLUSION AS TO EXISTING METHODS OF CONTROL.

The real want is a Public Prosecutor or a Department that would put into force some of the many existing laws that can be brought to bear upon the unqualified practice of medicine and the sale of injurious secret remedies. Were the police to take up zealously the prosecution of offenders under the Children, the Death Certification, the Adulteration, and other Acts, and generally of obtaining money under false pretences, a great deal of good would be effected. The chief defect in the application of



various existing laws to suppress the evil of quackery lies in the want of a zealous prosecuting authority and of a means of defraying the cost of prosecution. Were the legislature bent on suppressing quacks, as they suppress or punish burglars, they would find plenty of ways and means in the law as it stands. For instance, by paying the costs of proceedings under the Apothecaries Act, it is possible that the State might practically put an end to irregular medical practice. At the same time, their hands might be greatly strengthened by certain legal and administrative reforms, which suggestions will be dealt with in our next and concluding section.

## HOW TO DEAL WITH QUACKS AND SECRET REMEDIES.

### RECOMMENDATIONS.

#### PUBLICATION OF FORMULA.

The stronghold of the secret medicine vendor is secrecy, and anything that does away with that condition will deal him a death blow.

The publication of the formula of the contents of every secret remedy, its attachment to every package or bottle, and its appearance in every advertisement, is an obvious step on the part of any legislature desirous of checking the evil.

Publication is the rule in Germany and other countries, and has been found to work well enough. It would not damage the respectable proprietary manufacturer, who already in many cases publishes the full formula of his preparation. He is content to copyright his title and to look for his reward in the sale of a good article with the approval of the medical profession.

#### ABOLITION OF THE PATENT MEDICINE TAX.

The patent medicine stamp should be abolished. In the eyes of ignorant persons it undoubtedly suggests a guarantee from the Government as to the good qualities of the article to which it is attached. By accepting a money payment the Government are to a great extent hampered in prosecution when fraud is revealed. Nay, it is a fact that the Government stamp is still fixed upon articles that have been publicly proclaimed to be fraudulent by His Majesty's Judges in open Court. The Australian Report has exposed a mass of fraud, chicanery, damage to the public health, and criminal practices in connection with patent medicines. Yet the British Government are being paid for

their protection to not a few of the false remedies thus exposed. The British revenue benefits to the extent of a few hundred thousand pounds (a) yearly from patent medicine stamps. As a matter of fact, the money comes from the pockets of the deluded customers, so that the State is actually making money out of this nefarious trade. So accustomed have the Government grown to this source of revenue that we may be thankful that there has been no attempt to extend the tax during the recent deficits in the national Budget. The attitude of the average statesman towards the patent medicine stamp duty may be gauged from the answer given by Mr. Herbert Gladstone on September 16th, 1909, to Captain Craig. In his answer the Home Secretary practically promised the appointment of a Select Committee in the following session to inquire into the sale of patent medicines. This important announcement was made in response to Captain Craig's question: "Whether the Home Secretary would consider the advisability of issuing regulations making it compulsory on all manufacturers of medicines liable to patent medicine duty to print on the label on the bottle or other vessel in which such article is sold the full ingredients of such bottles or vessels, as well as the diseases they purport to cure; whether he would consider the advisability of increasing the size of the lettering of the Government stamp as a further precaution against ignorant people believing that the contents are guaranteed by Government." In his reply Mr. Herbert Gladstone said "he was in communication with the Privy Council with reference to the first part of the question, and he was disposed to think the matter of sufficient importance to require an inquiry by a Select Committee next session. New designs for stamps and labels had recently been adopted, and were being prepared, which would clearly indicate that the stamp did not imply a Government guarantee."

Here we have a leading statesman acknowledging in the Commons that the State is ashamed of the wares from which this mean and paltry duty is taken.

From an economic point of view the paltry sum of money raised for the revenue from the patent medicine duty must represent an enormous trade in false remedies that in the long run inflict incalculable damage upon the health and the lives of the nation.

The probability is that the cost to the public of stamped nostrums must be somewhere between two and a half and three and a half millions yearly.

---

(a) Revenue from patent medicine stamps £266,000 in 1907; £334,000 in 1908.

The abolition of the patent medicine duty is one of the first duties of a Chancellor of the Exchequer who has the national welfare at heart, and who wishes to draw his revenue from sources that are wholesome and untainted.

### A ROYAL COMMISSION.

One of the best methods of gaining a thorough knowledge of the facts of the case and of educating the public thereon is undoubtedly by way of Royal Commission, with full power of summoning witnesses and of otherwise obtaining information. That plan has been adopted with extraordinary success by the Commonwealth of Australia, which is flooded with quacks and quackery of the same pernicious kind that devastates the British Isles. Recognising the advantages of this step, the General Medical Council have lately petitioned the Privy Council in favour of a Royal Commission upon irregular medical practice. Such an inquiry, however, would be of little use were it to exclude secret remedies, which, in point of fact, constitute one of the most deadly and injurious forms of false medical practice. That fact was fully realised by the sturdy logic of King Henry VIII., whose charter created a College of duly qualified medical men on the one hand, while on the other he conferred on that body the duty of suppressing false practices and false drugs by powers of a summary kind. A Royal Commission, then, if it is to fulfil its functions adequately, must investigate the sale of secret remedies as a part of the larger question of irregular medical practice.

### HOW TO SOLVE THE PROBLEM BY EXISTING LAWS.

Since the stalwart days of Henry VIII. there has been little or no efficient legislation against quacks and quackery, save a pious affirmation of the powers of the Royal College of Physicians of London in various reigns up to the year 1860. The restraining powers have been in existence, as regards London, for nearly 400 years, but have been poorly applied. The Medical Act, 1858, which, under Section XL., should have extended similar penal powers to the whole Kingdom, has proved a failure, not so much on account of its inherent weakness, as of the interpretation put upon the Section by magistrates and judges. As regards this particular kind of legislation, indeed, there appears to be a peculiar leniency in legal administration, and on that account alone it would be wise to make use as far as possible of existing laws, short of the attempt to secure fresh legislation. If, as some-

times contended, the penal powers of the London College of Physicians of London, or of any other bodies, were superseded by the creation of the General Medical Council in 1858, it becomes all the more incumbent upon the latter body to take steps to render those powers effectual. Fortunately, there are many legal methods by which quacks and quackery may be directly and indirectly attacked. These methods have, for the most part, been already discussed, so that there will be little need in conclusion to do more than append a list of the author's recommendations with a note here and there of important details.

## RECOMMENDATIONS.

### TO INSTITUTE

1. A Royal Commission upon unqualified medical practice, including secret cures and remedies.

### TO ENFORCE

2. The Children Act, especially as regards the duty of obtaining adequate medical aid for infants and young persons.
3. The statutory duties of the Royal College of Physicians of London as regards London and a compass of seven miles round, if it can be shown that they are still in existence, against false medical practice and false drugs and remedies.
4. The administration of Excise and Inland Revenue as regards patent and proprietary medicines.
5. The various powers of coroners, police, registrars, and Public Prosecutor with regard to the evil practices of quacks and the injurious results of secret cures and remedies brought under their official notice.
6. The penal powers of the Society of Apothecaries of London against unqualified practice.
7. The powers of the Pharmaceutical Society against unqualified pharmacists and the scheduling of poisons sold in proprietary and patent medicines.

### TO ABOLISH

8. The patent medicine stamp duty.

### TO AMEND

9. The Poisons Act, so as to extend the poison schedule, and apply a conspicuous poison label to all secret remedies containing one or more of the drugs so scheduled. If deemed advisable, also to create a special extension of the poison schedule, to be applied solely to proprietary and patent remedies.

Further, to forbid absolutely the sale in secret

remedies of certain potent drugs, which should never be prescribed except under skilled medical authority and supervision. Also to provide that the word "poison" affixed to any label shall be in conspicuous red letters.

10. The Food and Drugs Acts to be amended so that patent medicines are brought explicitly within the provisions directing that a vendor shall supply materials dealt with by the Act of the nature, quality, and substance demanded by the purchaser, and proposed to be sold by the vendor.

11. The Medical Act, 1858. The Act might be greatly strengthened so far as the suppression of quacks and quackery is directly and indirectly concerned:—

(a) By increasing the number of directly-elected representatives of the medical profession on the General Medical Council.

(b) By causing the nominees of the various universities, colleges, and other medical corporations to be in all cases elected by the holders of their respective degrees and qualifications.

(c) By amending Section XL. on the general lines that the public should be protected against unqualified medical practice not less efficiently than they are against unqualified dental, veterinary or legal practice, and more particularly by omitting the condition that in order to secure conviction the accused person must be shown to have "wilfully and falsely" pretended to be or have taken the name or title of a physician, etc.; in other words, to constitute medical practice by an unqualified person a punishable offence in itself, apart from any personal knowledge that he is committing an offence.

(d) By the substitution or addition of the principle as regards Section XL. that it is illegal for an unqualified person to exercise or discharge any act essentially appertaining to qualified medical practice.

(e) By granting summary powers to recover fines and costs upon conviction under Section XI., and by rendering the State responsible for the ultimate cost of all prosecutions under this section.

(f) By securing legislation to render registration compulsory, and to exact an annual fee from registered persons (as in the parallel case of the Incorporated Law Society). in order to obtain the additional money needed for consultative and penal legal proceedings.

12. The Apothecaries Act, 1815, so as to confer summary powers of recovering fines and costs from offenders upon conviction.



Further, to constitute medical practice by an unqualified person an offence in itself, apart from compounding or dispensing any remedy.

13. The Patent Medicine Law so as to render it a punishable offence to quote, without authority, the name of any medical man, living or dead, or to use the name of a fictitious medical man or any colourable suggestion of a medical man's approval.

It is to be hoped that the Legislature will recognise and put a stop to the evil that is wrought upon the community by unqualified medical practice. The statesman who undertakes to sweep out this Augean stable will be faced with no light task. Owing to the attitude of the newspapers, he would find that the case could be adequately established only by means of a Royal Commission, whereon the main body of the medical profession were duly represented. On the other hand he would probably recognise that, by a wise amendment and consolidation of existing laws, Parliament might to a great extent avoid the necessity of fresh legislation to put an end to the grievous wrongs inflicted upon the nation by false medical practice and by the sale of secret remedies.

---



[illegible]

16 NOV 73 CLM

22.F.274.

Quacks, false remedies and the 1909

Countway Library

BET9694



3 2044 046 020 509

COUNTWAY LIBRARY



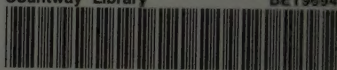
HC 369X .

22.F.274.

Quacks, false remedies and the 1905

Countway Library

BET9694



3 2044 046 020 509